

SENATE

FRIDAY, AUGUST 28, 1959

(Legislative day of Wednesday, August 26, 1959)

The Senate met at 10 o'clock a.m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, from whom all noble desires and all good counsels do proceed, whom we seek through all the mystery and perplexity of life, without Thee we cannot live bravely or well.

In this tragic and tangled world we are conscious of our woeful inadequacy to sit in the seats of judgment, to balance the scales of justice, and to respond with equity to the myriad calls of human need.

In this forum of a people's hope, wilt Thou crown with spacious thinking and with sympathy for all mankind the deliberations of those who here stand in places of opportunity and power?

Faced with questions which confront them, and almost confound them, dedicate to Thy glory and for human good their best endeavors.

Transform every task into a throne of service, and sanctify with the benediction of Thy approval this day's labor in the ministry of public affairs.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 27, 1959, was dispensed with.

COMMITTEE MEETING DURING
SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Foreign Relations Committee was authorized to meet during the session of the Senate today.

TRANSACTION OF ROUTINE
BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there may be the usual morning hour, for the introduction of bills and the transaction of other routine business, subject to a 3-minute limitation on statements.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M.
TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in recess until tomorrow morning at 10 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I hope the Senate will be able to complete

action on House bill 1 today; and if we do, we shall not meet tomorrow. But if we do not, we shall continue in session until late this evening.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no committee reports, the nominations on the calendar will be stated.

EXPORT-IMPORT BANK OF
WASHINGTON

The Chief Clerk read the nomination of James Smith Bush, of Missouri, to be a member of the Board of Directors of the Export-Import Bank of Washington.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The Chief Clerk read the nomination of Algernon L. Butler, of North Carolina, to be a U.S. district judge for the eastern district of North Carolina.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS,
ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

NOTICE OF PROPOSED DISPOSITION OF CERTAIN
MAGNESIUM SCRAP

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 4,413 short tons of cadmium-magnesium scrap and 451 short tons of magnesium scrap now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON TORT CLAIMS PAID BY GENERAL
SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Administration, during fiscal year 1959 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Nevada; to the Committee on Appropriations.

"SENATE JOINT RESOLUTION 11

"Joint resolution memorializing the 86th session of the Congress of the United States to appropriate moneys for the Interstate Highway System for the fiscal years 1961 and 1962

"Whereas if the 86th session of the Congress of the United States does not appropriate moneys now for the Interstate Highway System, there is a possibility that the interstate highway program may be set back 2 years and \$4,200 million; and

"Whereas such a setback would have a tremendously adverse effect on the highway system of the State of Nevada: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada (jointly), That the Legislature of the State of Nevada respectfully memorializes the Congress of the United States to appropriate, as soon as possible, moneys for the Interstate Highway System for the fiscal years 1961 and 1962; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States, the Speaker of the House of Representatives and to each member of Nevada's congressional delegation.

"Adopted by the assembly, March 25, 1959.

"CHESTER S. CHRISTINS,

"Speaker of the Assembly.

"NATHAN T. HURST,

"Chief Clerk of the Assembly.

"Adopted by the senate, March 24, 1959.

"REX BELL,

"President of the Senate.

"LEOLA H. WOHLFEL,

"Secretary of the Senate."

A letter, in the nature of a petition, from the Presidential Council of the Movement for the Defense of the Hungarian National Constitution, Cleveland, Ohio, signed by Ferenc Jakab, general secretary, relating to freedom of the captive nations, and so forth; to the Committee on Foreign Relations.

A resolution adopted by the National Association of State Budget Officers, New York, N.Y., favoring the enactment of legislation to authorize appropriations for all Federal grant-in-aid programs, not directly related to case loads or other factors that cannot be estimated accurately, 2 years in advance of the fiscal year in which such appropriations are to be matched and expended; to the Committee on Government Operations.

The petition of Ann McCauley, of Apalachicola, Fla., relating to the steel strike and American economy, and so forth; to the Committee on Labor and Public Welfare.

A resolution adopted by the City Council of the City of Los Angeles, Calif., relating to the 150th anniversary of the independence of Mexico, and so forth; to the Committee on Foreign Relations.

AMENDMENT OF FEDERAL WATER
POLLUTION CONTROL ACT, TO IN-
CREASE GRANTS FOR CONSTRUCTION
OF SEWAGE TREATMENT
WORKS—REPORT OF A COMMITTEE—
SUPPLEMENTAL VIEWS

Mr. CHAVEZ. Mr. President, from the Committee on Public Works, I report favorably, with amendments, the bill (H.R. 3610) to amend the Federal

Water Pollution Control Act to increase grants for construction of sewage treatment works, and for other purposes, and I submit a report (No. 835) thereon, together with the supplemental views of the Senator from Oregon [Mr. NEUBERGER]. I ask that the report may be printed, together with the supplemental views.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from New Mexico.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

S. 2613. A bill to authorize the conveyance of certain real property of the United States to the Carnegie Institute of Technology; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON (by request):

S. 2614. A bill to repeal certain retirement promotion authority of the Coast and Geodetic Survey; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 2615. A bill for the relief of Yahya Mahmoud Amin; to the Committee on the Judiciary.

S. 2616. A bill to provide for the issuance of a special postage stamp to commemorate the 100th anniversary of the birth of William Jennings Bryan; to the Committee on Post Office and Civil Service.

REPEAL OF CERTAIN RETIREMENT PROMOTION AUTHORITY OF COAST AND GEODETIC SURVEY

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to repeal certain retirement promotion authority of the Coast and Geodetic Survey. I ask unanimous consent that a letter from the Secretary of Commerce, together with a statement of purpose of and need for the proposed bill, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter and statement will be printed in the RECORD.

The bill (S. 2614) to repeal certain retirement promotion authority of the Coast and Geodetic Survey, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter and statement presented by Mr. MAGNUSON are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., August 28, 1959.

HON. RICHARD M. NIXON,
President of the Senate,
U.S. Senate, Washington, D.C.
HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. PRESIDENT AND MR. SPEAKER:
There are attached four copies of a proposed

bill "to repeal certain retirement promotion authority of the Coast and Geodetic Survey."

There are also attached four copies of a statement of purpose of and need for the proposed bill.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this proposed legislation.

Sincerely yours,

FREDERICK H. MUELLER,
Secretary of Commerce.

STATEMENT OF PURPOSE OF AND NEED FOR THE PROPOSED LEGISLATION TO REPEAL CERTAIN RETIREMENT PROMOTION AUTHORITY OF THE COAST AND GEODETIC SURVEY

Sections 9 and 10 of Public Law 86-155 repealed the so-called tombstone promotion provision of certain existing laws which authorize a higher retirement grade for officers specially commended for performance in actual combat. Sections 9 and 10, however, related only to the Navy, the Marine Corps, and the Coast Guard. The existing tombstone promotion provision applicable to the commissioned officers of this Department's Coast and Geodetic Survey remains in effect.

In the interests of parity of treatment, we do not believe that the commissioned officers of the Coast and Geodetic Survey should continue to be granted this authority where similar authority with respect to the Navy, the Marine Corps, and the Coast Guard has been repealed.

The subject draft legislation would repeal the tombstone promotion authority of the Coast and Geodetic Survey.

ADJUSTMENT OF LEGISLATIVE JURISDICTION EXERCISED BY THE UNITED STATES OVER CERTAIN LAND—AMENDMENT

Mr. JAVITS (for himself and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, which was ordered to lie on the table and be printed.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENT

Mr. BRIDGES. Mr. President, on behalf of myself, the senior Senator from Maryland [Mr. BUTLER], the senior Senator from California [Mr. KUCHEL], the junior Senator from Delaware [Mr. FREAR], and the junior Senator from Maryland [Mr. BEALL], I submit an amendment, intended to be proposed by us, jointly, to the bill (S. 1748) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes. The purpose of this amendment is to correct the situation that is being created by an extraordinary move by one of the departments of our Government.

The Department of Agriculture has announced that, effective September 1, 1959, it will permit the export of grain moving under Government programs through Canadian ports, providing it passes U.S. Government inspection.

This means, Mr. President, that U.S. inspection stations will have to be established at such Canadian ports.

The essential question involved here is simply whether American-owned surplus commodities shall be handled at our expense through a foreign port.

The Department of Agriculture proposes to ship surplus wheat through a foreign port at what is, in effect, a subsidy of that port. The question is whether we want to subsidize a foreign operation in that manner.

We are talking about commodities that every taxpayer of this country has money invested in.

Until this move by the Department of Agriculture, the American people and American businesses received some return benefits as part of the Public Law 480 program. This was only as it should be.

There seems to be no rhyme or reason, when the American taxpayer must foot the bill in carrying out this Public Law 480 program, why we should not permit the American economy to participate to the maximum extent in the business and commerce that develops out of these programs.

To cut off or reduce this American participation is to cut off or reduce the taxes of taxes from American businesses.

The reason advanced for shipping our Government-owned surplus commodities through a foreign port is that some savings in transportation costs are indicated.

There is a serious question in my mind whether enough will be saved through use of a foreign port to make up the amount which will be lost in the form of taxes from American businesses.

Mr. President, heretofore the Department of Agriculture has specified that grain and other surplus U.S. farm products for oversea delivery had to be handled through U.S. ports, and it was only in U.S. ports that grain inspection service, which is essential for export grain, was provided.

The amendment which I am offering simply maintains this sensible and proven satisfactory arrangement.

Mr. President, I ask that the amendment lie on the desk for 1 day. Certain other Senators have indicated they may wish to join as cosponsors.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will lie on the table for 1 day, as requested by the Senator from New Hampshire.

Mr. BUTLER. Mr. President, I heretofore filed an amendment of similar import to that now filed by the distinguished senior Senator from New Hampshire. My amendment is now printed and lying on the table. Having joined in the amendment of the senior Senator from New Hampshire I do not have at the moment any intention of calling up my amendment.

I ask unanimous consent that a copy of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 2, after line 3, insert the following:

"(4) Title III of such Act is amended by adding at the end thereof a new section as follows:

"Sec. 306. Any shipment of surplus agricultural commodities to be exported to a foreign country under this Act shall be delivered to the ocean vessel on which such commodities are to be transported to the foreign port of discharge only at a United States port."

STABILIZATION PAYMENTS TO SMALL DOMESTIC PRODUCERS OF LEAD AND ZINC—ADDITIONAL CO-SPONSORS OF BILL

Mr. KERR. Mr. President, on August 26, I introduced Senate bill 2601, directing the Secretary of the Interior to establish and maintain a program of stabilization payments to small domestic producers of lead and zinc. Since that time both of the distinguished and able Senators from Nevada [Mr. BIBLE and Mr. CANNON] have requested to be joined as cosponsors to this important legislation.

Mr. President, I ask unanimous consent that when Senate bill 2601 is next printed, that the names of the Senators from Nevada be added as cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR SELECT COMMITTEE ON SMALL BUSINESS TO FILE REPORTS SUBSEQUENT TO SINE DIE ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Select Committee on Small Business be authorized during the adjournment of the 1st session of the 86th Congress to file with the Secretary of the Senate a report entitled "Studies of Dual Distribution: The Flat Glass Industry, Together With Staff Report," and that the report be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I also ask unanimous consent that the Select Committee on Small Business be authorized during the adjournment of the 1st session of the 86th Congress to file with the Secretary of the Senate a report entitled "Monopoly and Technological Problems in the Scrap-Steel Industry" and that the report be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

LEASING OF COAL LANDS IN ALASKA—CONFERENCE REPORT

Mr. GRUENING. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6939) to repeal the act of October 20, 1914 (38 Stat. 741), as amended (48 U.S.C., secs. 432-452), and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6939) to repeal the act of October 20, 1914 (38 Stat. 741), as amended (48 U.S.C., secs. 432-452), and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and the Senate agree to the same.

ERNEST GRUENING,

FRANK E. MOSS,

GORDON ALLOTT,

Managers on the Part of the Senate.

WAYNE N. ASPINALL,

WALTER ROGERS,

JOHN P. SAYLOR,

J. ERNEST WHARTON,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MCCARTHY:

Address by Senator KUCHEL, delivered in Statuary Hall on August 28, 1959, in commemoration of the death of Padre Junipero Serra.

By Mr. SCOTT:

Article written by Alan L. Otten, entitled "The Taft-Nixon, Ike-Rockefeller Parallels Are Much Less Valid Than Often Claimed," published in the Wall Street Journal on August 27, 1959; and article written by Courtney Sheldon, entitled "Elevating the Vice President," published in the Christian Science Monitor on August 26, 1959.

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

DIVERSION OF WATER FROM LAKE MICHIGAN, AT CHICAGO

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 1) to require a study to be conducted of the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway for navigation, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the first committee amendment.

FUNCTIONAL REORGANIZATION FOR NATIONAL DEFENSE: A "MUST" IN THE SPACE AGE

Mr. ENGLE. Mr. President—

The PRESIDING OFFICER (Mr. FONG in the chair). The Senator from California.

Mr. ENGLE. Mr. President, today I wish to speak about the organization of the Federal Government in the space and missile programs. I shall also have some proposals to make regarding the organization, in general, of the Department of Defense. It is my conviction that U.S. supremacy in space science is threatened, not by lack of talent, but by lack of skill in bureaucracy. If we are to be superior to the Soviets, the first requisite is a system of government that can maximize our scientific and industrial capabilities.

Our form of government, our way of doing business, is relatively new in the perspective of history. The question is whether we can stand the test against one of the most efficient examples of the old order—a dictatorship with modern refinements, a dictatorship that has the singleness of purpose, the discipline to override the agony and frustration of the masses, and a straight line of command that can direct toward a single objective the resources, human and material, of a large and powerful nation. In meeting this challenge, the economic and political structures of this country face the greatest challenge in our history in the short years ahead. How we organize to do the job will be the difference between winning and losing the cold war.

Some time ago I held an informal, off-the-record dinner meeting with the industrial leaders in the aircraft, missile, and space field of southern California. I asked them a blunt question: "If we want to make better and faster progress in keeping ahead of the Russians in the missile and space field, what do you recommend—more money, better organization, or what?"

The answer was unanimous: That what we need most is better organization from a governmental standpoint. It was pointed out that in some selected areas, more money would be helpful. But the basic difficulty in making progress is the multiheaded approach to the solution of our defense problems and the bureaucratic quagmire that surrounds our missile and our space effort. I was impressed with the fact that these leaders did not ask for more money, particularly. What they asked for was better governmental organization.

NO CLEAR LINE OF COMMAND

This view of the matter has been corroborated time and again by the men in the military field who have primary responsibility for causing the missile and space program to go forward.

Maj. Gen. John B. Medaris, commander of the Army Ordnance Missile Command, said at a congressional hearing:

We have no handicap in the use of our us and our line of approach is approved.

It cannot be doubted that the confusion, the overlapping of jurisdiction, and the absence of a clear line of command are reflected in aircraft and missile production lags. Inherent in the whole process of missile development is the decision time element, the time required to get decisions as definitive approvals or guidelines on which to proceed.

As an example, recently I asked General Medaris how many people—as a minimum—he would have to get in the same room, to get a decision that would be firm. He counted off at least five—the Secretary of the Army, the Army budget officer, the Secretary of Defense, the defense budget officer, and someone from the Bureau of the Budget. I asked him whether he thought he ever could get them all in the same room at the same time, and he said he did not think so. At one hearing, he cried out rather forlornly:

Some place there has to be one man who can make a decision, who can give a command, and who has the resources to carry it out.

Dr. Wernher von Braun, Director of the Development Operations Division of the Army Ballistic Missiles Agency, went even further in criticizing the constant interference with project development. He could not understand why there had to be so many committees. Medaris went from Huntsville, Ala., to Washington once a week, to get decisions; while Braun visited the Pentagon twice a month, for committee meetings. And, as if that were not enough, from time to time the committees visited the Huntsville project.

Vice Adm. John T. Hayward, Deputy Chief of Naval Operations for Development, commented at a House Space Committee hearing that it was not a question of "standing the heat in the kitchen," but "who it was who was in the kitchen." He said, "In the atom business you never had that—you knew who had the responsibility. You knew how it was done, and the military got what we needed."

Admiral Hayward believes we should have one U.S. space program. He testified that when he had a program he was anxious to see carried out, he would bring it to Admiral Burke, Chief of Naval Operations, and then he would take it to the Assistant Secretary of the Navy for Research and Development for his approval. He would also go to the Secretary of the Navy. Once it has cleared the Navy Department, the program goes to the Assistant Secretary of Defense for Research and Development, Dr. Herbert York—and then Dr. York may or may not present the matter to Roy Johnson of ARPA. William Holaday was also involved in the process when he was Director of Guided Missiles.

This is not a complete count. Admiral Hayward said there were at least 10 places where he could be vetoed. He then went on to say that after he gets the program approved in all these places, and even after appropriations are made by Congress, he still has to fight back down the line to get approval for the expenditure—and at any time the Bureau of the Budget may step in and impound the funds for the project.

Admiral Rickover has made some illuminating statements in his testimony before the Subcommittee on Military Operations of the House Committee on Government Operations on March 20,

1959. I should like to quote some of his remarks:

I will develop later in my testimony what I consider to be the greatest single deterrent to the efficient and orderly process of research and development work; that is, constant interference in technical matters by nontechnical people or by technical people with no responsibility.

My complaint concerns ad hoc committees or panels that are set up in the Defense Establishment. The larger the Defense Establishment becomes, the more of these committees there are, and pretty soon we can get to the point—I can visualize that we will end up with nothing but committees and no work done.

I have definite convictions about committees that have no responsibility, but which take the liberty of making many recommendations, the members then running off somewhere else and getting on another committee on some other subject and making some more recommendations.

At this point, I should like to quote from some remarks made by Admiral Rickover on May 15, 1959, at the National Press Club:

Question: "Have you a view, Admiral, on how we could establish the best missile program which would eliminate intraservice rivalries? Especially, as you suggest, around appropriations time?"

Answer by Admiral Rickover: "About the same way you would eliminate rivalry between newspapers, I think. As long as you have human beings and human institutions you are going to have rivalry. If you have three services you will have one and a half times as much rivalry as you will have with two services. Each service, of course, figures on becoming a complete shield of the United States. So, if you wanted to cut out some of the money and some of the duplication, cut out one of the services."

Question: "Would there be any advantage, in your view, Admiral, in having a single military service?"

Answer by Admiral Rickover: "I think there would be. It's very significant to me that depending on the color of your uniform you follow a different party line 100 percent. To me, as a rational person, there is something fishy about that. I think we would be better off if we all wore the same uniform and stopped fighting each other. If you have three services you have three outfits that all feel they must defend the United States all by themselves."

Lt. Gen. Bernard A. Schriever, in his testimony before the Subcommittee on Governmental Organization for Space Activities of the Committee on Aeronautical and Space Science, on April 23, 1959, agreed, in response to Senator CANNON's question, that clear and vertical decision-making channels on the overall program on policy matters apparently do not exist, and that complete responsibility and authority for program direction at the operating management level is not clearly defined because of the division between the various services in certain instances.

And later before the committee, on April 24, General Schriever, in speaking of the confusion our present setup causes among contractors, pointed out that when two agencies go to the same contractor, each wants the contractor's product and, in effect, they compete against each other, which could result in a higher net cost to the taxpayer.

MORE CZARS

The successful firings of IRBM's and ICBM's by the Russians led to the appointment of William M. Holaday as Guided Missile Director; the launching of Sputnik I brought in two czars: Roy W. Johnson as chairman of the Advanced Research Projects Agency (ARPA), and James Killian as the President's Special Assistant on Sciences and Technology; and concern over military domination of space activities resulted in the appointment of Dr. T. Keith Glennan as Administrator of the civilian National Aeronautics and Space Administration (NASA).

Meanwhile, Donald Quarles, the late Deputy Secretary of the Department of Defense had responsibilities that would tend to put him in conflict with all of these people. And we have just scratched the surface of those who have become involved in the decision-making process.

AGENCY HODGEPODGE

At the top levels of decision-making, we find a proliferation of committees. The NASA law created a Space Council, which is chaired by the President himself. It also set up a Civilian-Military Liaison Committee to coordinate space activities. The Chairman of this committee is William M. Holaday, who was formerly Director of Guided Missiles. As of July 1, the Civilian-Military Liaison Committee was given added authority to settle jurisdictional differences between Defense and NASA. Prior to July 1 the Committee was a place to exchange information. Now, while either McElroy or Glennan can appeal Holaday's decisions to the President, the Civilian-Military Liaison Committee can make decisions on jurisdictional matters on its own initiative. NASA itself—and I emphasize this—has 14 research advisory committees on which military personnel serve and, in turn, there are 34 working groups and committees in the Department of Defense on which NASA staff members serve. To complete the jurisdictional complexity and overlap, both NASA and agencies of the Defense Department give assignments to research and development units of the military services. As would appear inevitable, disputes arise as to the priorities and control of certain projects, and the solutions are always compromises which satisfy no one and cause further delays.

VIEW FROM THE PRESIDENCY

If we were to look at it from the vantage point of the President, we would find him advised by so many agencies that he could not possibly know where the decisions should be made. Here is an incomplete listing of the groups he turns to for assistance: The National Science Foundation; the National Science Board; the Chief Scientific Adviser, Dr. George B. Kistiakowsky, who succeeded Dr. J. R. Killian, Jr., about a month ago; the Federal Council for Science and Technology; the President's Scientific Advisory Council; the National Security Council; the Federal Aviation Agency; NASA; the Bureau of Standards; and the Department of Defense with all its subdivisions such as ARPA; the JCS;

the Director of Defense Research and Engineering, and the military services. If Mr. Eisenhower wanted to know about the value of a certain proposal, I doubt if he would be sure where to turn or whether he could get better information from someone other than the adviser he was consulting.

We do not have to look to the missile field alone to see problems of timelags. The decision-making process has the same faults in the development of all air-weapons systems. The total lead time required for production of a new air-weapons system in the United States is often 10 to 11 years, compared to only 5 years in the Soviet Union. For example, it took us 8½ years to develop the B-52 bomber, while the Russians had the comparable Bison in 4½ years. Our supersonic interceptor, the F-102 series, took 7 to 11 years, the Russian "Farmer" took 4 years. It takes us as long to plan to build a weapon as it takes the Soviets to plan and build it. Why the difference? Because we have so many different bases to touch and decisions to be made all down the line. This includes the production process. There is a need to delegate greater authority and responsibility to contractors, for example, to make technical decisions on weapons systems.

One contractor had to wait months for a decision by a committee to substitute an 8-day clock for a 1-day clock in an airplane he was producing. If we are to have any success in cutting corners, we must establish within the military services agencies with authority to make prompt contractual decisions, particularly technical decisions.

That these problems are long standing can be shown by the trouble we had getting adequate ammunition to Korea as the war dragged on. Even though we had a huge stockpile of World War II ammunition, we were short certain badly needed types. The military men did not know how long the war would last, so they only made requests for modest appropriations, at first, to get production started. When the situation became serious, larger appropriations were made. But it required 18 months, from the time the money was made available, to get the first finished ammunition from the manufacturers, and some time after that for them to reach full production. When we look at a chart of the operations of the Army Ordnance Corps, we find that an average of 113 days elapses from the original order to get the ammunition, to the actual award to the contractor. According to ordnance "lingo," there are 11 action offices with 35 steps to be taken in the process. We can no longer afford the luxury of such delays. Our survival depends now on our strength in being. The experience of previous wars is of no value to us. The oceans no longer protect us while we tool up. The missile race is one we must win if we are to stop Communist domination of the world.

Mr. President, I have had the Legislative Reference Service of the Library of Congress prepare at my direction organizational charts which are displayed in the rear of the Senate Chamber. These are organizational charts which show the functional organization of the

Federal Government in the missile and space programs.

The first chart shows the general organization from the President on down.

The second chart shows the organization of the Defense Department itself for missile and space activities. The Defense Department is so complicated in its organization that it was necessary to set up a separate chart, because it was not possible to get all of the bureaus and agencies involved in the space and missile program under the Defense Department section which appears on the first chart.

It is perfectly obvious, from looking at this chart, and examining the various boxes, that there are vertical lines of operation in the Defense Department—the Navy, the Air Force, and the Army.

If Senators will make a close examination of the chart they will observe there is duplication in each of these vertical tiers of operating agencies.

Without going into detail, to describe each one of these at the present time, and because these operational charts cannot be printed as a part of the RECORD, I have had prepared by the Legislative Reference Service of the Library of Congress a short summary of each of the 101 separate and distinguishable agencies in the Federal Government which deal with this missile and space field, and I ask unanimous consent to have this document printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

FUNCTIONAL ORGANIZATION OF THE FEDERAL GOVERNMENT FOR SPACE AND MISSILE PROGRAMS

These notes accompany charts 1 and 2 and are designed to explain certain functions and relationships which, if shown graphically, would further complicate charts already containing more detail than is desirable.

Not every Federal agency concerned with space or missiles is included. For example, the Post Office Department plays an important part in the delivery of correspondence, reports, plans, specifications, contracts and payments having to do with space and missile programs. Nevertheless it is not included nor are a number of other agencies which have a marginal connection with these programs. An attempt has been made, however, to include all civilian and military agencies which have major roles, either as to formulation of policy or implementation of policies affecting space and missile programs. To have included every Federal agency having any conceivable connection with the space and missile programs would have tended to complicate unduly an already complex presentation.

The statements of responsibilities and functions are usually paraphrased to some degree to shorten the volume of these notes. In those cases requiring the exact wording as set forth in statute, regulation or directive, reference should be made to the pertinent documents.

The numbers of the items as they appear below correspond to the numbers found on the organization boxes on charts 1 and 2.

1. National Security Council (NSC):

Origin: National Security Act of 1947 as amended.

Membership: President, Vice President, Secretary of State, Secretary of Defense, Director of Defense and Civilian Mobilization, The Secretary of the Treasury and Director, Bureau of the Budget also attend Council

meetings regularly. Others attend at the request of the President.

Functions: Chief advisory agency to the President on matters of broad policy affecting the national security and on the integration of domestic, foreign, and military policies in relation to national security.

2. NSC Planning Board:

Membership: Special Assistant to the President for National Security Affairs, officials representing State, Defense and Treasury Departments, ODCM and BOB.

Functions: Anticipates, identifies, and analyzes problems affecting national security and drafts policy statements for NSC consideration.

3. Operations Coordinating Board (OCB):

Origin: Executive Order 10483, September 2, 1953, superseded by Executive Order 10700, February 25, 1957.

Membership: Under Secretary of State, Deputy Secretary of Defense, Director CIA, Director USIA, Director ICA.

Function: Assists in effective coordination of national security functions among governmental executive agencies and provides for integrated implementation of national security policies.

4. Central Intelligence Agency (CIA):

Origin: National Security Act of 1947 as amended.

Function: Adviser to NSC on intelligence matters relating to national security.

5. Bureau of the Budget (BOB):

Origin: Budget and Accounting Act of 1921 (40 Stat. 20; 31 U.S.C. 11-16).

Function: Assists the President in preparing the budget and formulating fiscal program; supervises and controls administration of the budget and assists in improving the efficiency and economy of the conduct of Government service.

Remarks: The Director, BOB, regularly attends NSC meetings and a representative sits with the Department of Defense Ballistic Missiles Committee.

6. White House Office:

Function: Serves the President in performance of his duties and responsibilities. Facilitates and maintains communication with the legislative branch, heads of executive departments and agencies, and the public.

7. Special Assistant to the President for Science and Technology:

Origin: Appointed by commission by the President.

Incumbent: Dr. George B. Kistiakowsky (succeeded Dr. James R. Killian, Jr., July 15, 1959).

Functions: Chief adviser to the President on military and civilian aspects of science and technology.

Remarks: Acts as Chairman of the Science Advisory Committee. In creating this post, the President said (in his address to the Nation on November 7, 1957) that it would be Dr. Killian's task to assist him by monitoring the missile program and by helping to see that "Such things as interservice competition or insufficient use of overtime [should] not be allowed to create even the suspicion of harm to our scientific and development program."¹

He is also chairman of the newly created Federal Council for Science and Technology.

8. President's Science Advisory Committee:

Origin: Established by the President on April 20, 1951, in the Office of Defense Mobilization. Reconstituted as the President's Science Advisory Committee and transferred to the White House effective December 1, 1957, with membership enlarged.

Membership: Dr. George B. Kistiakowsky, Chairman; Dr. Robert F. Bacher, Dr. William O. Baker, Dr. John Bardeen, Dr. Hans A. Bethe, Dr. Detlev W. Bronk, Dr. Britton Chance, Dr. James B. Fisk, Dr. James R.

¹ Department of State Bulletin, vol. 37, Nov. 25, 1957, p. 882.

Killian, Jr., Dr. Edwin H. Land, Dr. E. R. Flore, Dr. Edward M. Purcell, Dr. Isador I. Rabi, Dr. H. P. Robertson, Dr. Glenn Seaborg, Dr. Cyril S. Smith, Dr. Paul A. Weiss, Dr. Jerome B. Wiesner.

Functions: Advisers to the President in matters relating to science and technology. Functions as a board of review for the President's scientific program.²

9. Office of Civil and Defense Mobilization (OCMD):

Origin: Reorganization Plan No. 3 of 1953 (67 Stat. 634). Amended by Reorganization Plan No. 1 of 1958 and Executive Order 10773.

Functions: In addition to responsibilities for formulation of mobilization plans, is concerned with establishment of adequate stockpiles of strategic materials and strategic relocation of industry essential to national security.

Remarks: In 1958 the functions of the Federal Civil Defense Administration were combined with those of the Office of Defense Mobilization under the designation stated above.

10. Council of Economic Advisers:

Origin: 60 Stat. 24; 15 U.S.C. 1023; now functions under Reorganization Plan No. 9 of 1953.

Membership: Three, appointed by President with advice and consent of the Senate. Function: Economic advisers to the President.

11. National Aeronautics and Space Council:

Origin: National Aeronautics and Space Act of 1958 (Public Law 85-568, July 29, 1958).

Membership: The President (who presides over Council meetings), Secretary of State, Secretary of Defense, Administrator of NASA, Chairman of AEC.

Not more than one additional member appointed by the President from the departments and agencies of the Federal Government.

Not more than three other members appointed by the President, solely on the basis of established records of distinguished achievement, from among individuals in private life who are eminent in science, engineering, technology, education, administration, or public affairs.

(The four members appointed by the President are: Dr. Alan Waterman of NSF, Dr. Detlev W. Bronk of NAS, William A. M. Burden, former Assistant Secretary of Commerce for Air, and Dr. John T. Rettaliata.)

Functions: To advise the President in the performance of these duties:

(a) Survey of all significant space activities of all U.S. Government agencies engaged therein.

(b) Develop a comprehensive space activities program for U.S. Government agencies.

(c) Designate and fix responsibility for direction of space activities.

(d) Provide for effective cooperation between NASA and DOD.

(e) Resolve differences arising among Government departments and agencies with respect to space activities.

Remarks: The act provided that the Council could employ a staff headed by a civilian executive secretary. As of this date this post has not been filled.

12. Federal Council for Science and Technology:

Origin: Executive Order 10807, signed by the President on March 13, 1959.

Membership: Chairman: Dr. George B. Kistiakowsky, special assistant to the President for Science and Technology; representatives of the Departments of Defense, Interior, Agriculture, Commerce, and Health,

Education, and Welfare; Director of the National Science Foundation; Administrator of National Aeronautics and Space Administration; representative of Atomic Energy Commission. Representatives of the Department of State and the Bureau of the Budget may attend as observers.

Functions: To promote closer relationship among Federal agencies in planning their research and development programs, and to recommend ways in which the Federal Government can assist in advancing and strengthening the Nation's scientific effort as a whole.

Remarks: The Interdepartmental Committee on Scientific Research and Development was abolished by this order.

13. Department of State:

Remarks: The concern of this Department with the U.S. missile and space programs lies in relations with foreign powers arising from such programs. These relations include negotiations for supplying missiles as part of the military assistance program, bases for U.S. missile units, and tracking stations; settlement of injuries or damages to foreign nationals or properties arising from U.S. missile or space operations; negotiations of broad policies or agreements with foreign powers or organizations (such as NATO) involving employment of missiles or space vehicles; assistance in developing international scientific relations; matters involving sovereignty or control of space; and development of international law with respect to space.

14. Department of the Interior:

Remarks: Land in the public domain which the military services think necessary for missile target ranges, and the use of natural resources such as minerals and waterpower in missile and space vehicle programs are the concern of this Department.

15. Department of Labor:

Remarks: This Department is concerned with the supply of labor needed in the missile and space vehicle industry and with problems arising when there is dislocation of labor due to shifting of industrial activities from one place to another or when contracts are terminated or reduced causing substantial unemployment.

16. Department of Health, Education, and Welfare:

Remarks: The concern here is largely with the education of sufficient scientists and technologists to meet the needs of these programs and the field of space medicine.

17. Department of the Treasury:

Remarks: This Department is concerned with the raising of the vast sums necessary to finance these programs. It also is concerned, through [18] the Coast Guard, a military service within the Department, with the safety of overwater operations involving missile or space vehicle testing.

19. Department of Commerce:

Remarks: The concern of this Department with these programs is centered largely in [20] the Weather Bureau, which is interested in weather satellites as a means of improving forecasting techniques and, perhaps at a later time, in some degree of weather control; and [21] the National Bureau of Standards, whose scientific activities include research associated with standards of physical measurement, physical constants, and the critical properties of materials. The Department also has an interest through its Business Advisory Council and National Investors' Council and the Coast and Geodetic Survey.

22. Department of Defense (DOD):

Remarks: This Department is responsible for all of the activities of the Government having to do with missiles or space in which national security is involved. In the event the Secretary of Defense and the Administrator of NASA are unable to agree on the division of any responsibility between their respective agencies, the President makes the decision, as stated in paragraph 29 below.

NOTE.—See chart No. 2 for functional organization of the Department of Defense for missiles and space activities.

23. Civil Aeronautics Board (CAB):

Origin: Created as Civil Aeronautics Authority by section 201 of Civil Aeronautics Act of 1938 and redesignated as Civil Aeronautics Board by Reorganization Plan IV of 1940.

Membership: Five members appointed by the President with the advice and consent of the Senate.

Remarks: The relationship of this Board with these programs for the present is concerned with safety in air commerce, as affected by missile and space vehicle testing activities. At a later date, the functions of this Board may possibly be expanded to cover space travel when this becomes feasible.

24. Federal Aviation Agency (FAA):

Origin: Public Law 85-726, 85th Congress.

Remarks: Carrying out the policies and regulations relating to air traffic, this Agency is concerned with any military activities such as missile testing, which might affect the safety of air traffic.

25. Atomic Energy Commission (AEC):

Origin: Atomic Energy Act of 1946 (60 Stat. 755) as amended by the act of 1954, as amended (68 Stat. 919; 42 U.S.C. 1801 et seq.).

Membership: Five Commissioners appointed by the President with the advice and consent of the Senate.

Remarks: The concern of the AEC with missiles and space vehicles is in the use of nuclear energy in connection with warheads for missiles or as propulsion for space vehicles.

26. U.S. Information Agency (USIA):

Origin: Established under Reorganization Plan No. 8 of 1953.

Remarks: The relationship of USIA to these programs lies in explaining to foreign nations how the programs fit in with U.S. policies and objectives. Dissemination of scientific information is one means.

27. National Science Foundation (NSF):

Origin: National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861-1875).

Membership of National Science Board: Roger Adams, Detlev W. Bronk, Lee A. DuBridge, Laurence M. Gould, Paul M. Gross, Theodore M. Hesburgh, C.S.C., William V. Houston, George D. Humphrey, Robert F. Loeb, Kevin McCann, Donald H. McLaughlin, Edward J. McShane, Frederick A. Middlebush, Joseph C. Morris, Samuel M. Nabrit, Morrough P. O'Brien, Jane A. Russell, Paul B. Sears, Julius A. Stratton, Edward L. Tatum, Ernest H. Volwiler, Warren Weaver, Douglas M. Whitaker, Alan T. Waterman (ex officio).

Remarks: The Foundation is mostly concerned with the promotion, basic research and education in the sciences. It is responsible for evaluating the research programs of the Government, and at the request of the Secretary of Defense, initiates and supports specific research activities having to do with national defense. It also acts as a clearinghouse for information regarding scientific and technical personnel.

28. Smithsonian Institution Astrophysical Observatory:

Remarks: The interest of this agency in space matters rests in the Astrophysical Observatory, with headquarters at Cambridge, Mass. This organization, which conducts research on the various forms of energy which strike the earth's atmosphere, operates a satellite tracking program. The Observatory set up 12 stations to observe IGY artificial satellites by optical means.³

29. National Aeronautics and Space Administration (NASA):

Origin: National Aeronautics and Space Act of 1958 (P. L. 85-568) [National Advisory

³House hearings on Astronautics and Space Exploration, 85th Congress, 2d session, pp. 367-368.

² New York Times, Jan. 13, 1958, p. 13.

Committee for Aeronautics (NACA) was transferred to NASA under the act.]

Administrator: Dr. T. Keith Glennan.

Deputy Administrator: Dr. Hugh L. Dryden.

Functions: To plan, direct, and conduct aeronautical and space activities; to arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations; and to provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

Remarks: In its declaration of policy (sec. 102 of the act) Congress declared that the "general welfare and security of the United States require that adequate provision be made for aeronautical and space activities" and that "such activities shall be the responsibility of, and shall be directed by, a civilian agency . . ." except that activities peculiar to the defense of the United States are the responsibility of the Department of Defense. Determination of which agency shall have responsibility and direction of any such activity is to be made by the President with the advice of the National Aeronautics and Space Council.

30. Civilian-Military Liaison Committee:

Origin: National Aeronautics and Space Act of 1958, section 204.

Membership: Chairman, William M. Holaday; Dr. Hugh L. Dryden, Dr. Abe Silverstein, Dr. Homer Joe Stewart and Ira H. Abbott from NASA; Roy W. Johnson (Director of ARPA), Maj. Gen. W. W. Dick, U.S. Army, Vice Adm. R. B. Price, U.S. Navy, and Maj. Gen. R. P. Swoford, U.S. Air Force.

Function: To provide for a constant exchange of information and, as far as practicable, agreement as to jurisdictions as between the Department of Defense and NASA. A charter revision July 1, 1959, gave Civilian-Military Liaison Committee authority to deal with jurisdictional disputes between NASA and DOD on its own initiative.*

31. National Academy of Sciences—National Research Council (NAS-NRC):

Origin: Act of Congress 1863 (12 Stat. 806). The Council was organized in 1916 by the Academy under its charter. Perpetuation of the Council was effected by Executive Order 2859, May 11, 1918, as amended by Executive Order 10668, May 10, 1956.

Remarks: Acts as adviser to the Government on scientific matters when requested. It does not maintain its own research facilities but works through boards and committees.

In August 1958 the Academy announced the formation of a 16-man Space Science Board "to survey in concert the scientific problems, opportunities and implications of Man's advance into space."†

The membership: Chairman, Dr. Lloyd V. Berkner; Dr. Harrison S. Brown, Dr. Leo Goldberg, Dr. H. Keffer Hartline, Dr. Donald H. Hornig, Dr. W. A. Noyes, Dr. R. W. Porter, Dr. Bruno B. Rossi, Dr. A. H. Shapley, Dr. John A. Simpson, Dr. S. S. Stevens, Dr. Harold C. Urey, Dr. James A. Van Allen, Dr. O. G. Villard, Jr., Dr. Harry Wexler, Dr. George P. Woollard, Executive Director, Dr. Hugh Odishaw.

32. Jet Propulsion Laboratory:

Origin: July 1, 1939, Army Air Corps jet propulsion project, sponsored by NAS, initiated at Caltech. November 1, 1944, it became the Jet Propulsion Laboratory.

Director: Dr. William H. Pickering.

Remarks: Operated by California Institute of Technology under Government contract. Jurisdiction over this agency was transferred by Executive Order 10793 from the Army to NASA on December 3, 1958, as the result of

an agreement between the Secretary of the Army and the Administrator of NASA. The Army still has some contractual relationships with JPL which will continue until the work has been completed.

33. Joint Chiefs of Staff (JCS):

Origin: National Security Act of 1947 as amended.

Membership: Chairman: Gen. Nathan F. Twining, USAF; Gen. Lyman L. Lemnitzer, USA; Adm. Arleigh A. Burke, USN; Gen. Thomas D. White, USAF; Gen. Randolph McC. Pate, USMC (on matters concerning the Marine Corps).

Remarks: As the chief military advisers to the President, National Security Council and Secretary of Defense, the JCS carry the burden of advising the Government with respect to strategic plans, deployment, requirements, and doctrine for employment of missiles or military space vehicles.

34. Scientific Advisory Committee:

Origin: Established in 1953 as Strategic Missiles Evaluation Committee (chairman, Dr. John von Neumann) to advise the Air Force as to the feasibility of the ICBM. Later, it was transferred to the Office of the Secretary of Defense.

Membership: Chairman: Dr. Clark B. Millikan; executive secretary, Mr. Edward E. Harriman; Dr. Hendrik W. Bode, Dr. Harold Brown, Dr. John Dunning, Dr. Hugh L. Dryden (part time), Dr. Darol K. Froman, Mr. William B. Graham, Mr. Robert W. Henderson, Mr. Lawrence A. Hyland (part time), Dr. Charles C. Lauritsen, Brig. Gen. Charles A. Lindbergh, Dr. Robert R. McMath, Dr. James W. McRae, Dr. J. Barkley Rosser, Mr. Carroll L. Zimmerman, Prof. George B. Kistiakowsky (part time), Prof. Jerome B. Wiesner (part time), Dr. Carl F. J. Overhage.

35. Armed Forces Policy Council:

Origin: National Security Act of 1947 as amended.

Codified: 10 U.S.C. 171.

Membership: Secretary of Defense, chairman; Deputy Secretary of Defense, Secretary of the Army, Secretary of the Navy, Secretary of the Air Force, Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force.

Function: Advises Secretary of Defense and DOD agencies as to the scientific and technical feasibility of new developments. Also advises the military departments on problems within its competence.

36. Special Assistant for Guided Missiles:

Origin: First appointed in October 1950, by the Secretary of Defense as a special assistant. Office of Director of Guided Missiles established by directive of the Secretary of Defense on November 15, 1957. Reverted to Special Assistant status by memo from Secretary of Defense April 8, 1959.

Remarks: On July 1, 1959, it was announced that Mr. Holaday had been released from his assignment as Special Assistant to the Secretary of Defense for Guided Missiles, to spend full time as Chairman of Civilian-Military Liaison Committee.

His staff is being transferred to the Office of Director, Defense Research and Engineering. No plans have been announced as to assignment of a successor Special Assistant to the Secretary of Defense for Guided Missiles.

37. Director of Defense Research and Engineering:

Origin: Department of Defense Reorganization Act of 1958 (Public Law 85-599).

Incumbent: Hon. Herbert F. York.

Functions: (1) Principal adviser to the Secretary of Defense on scientific and technical matters; basic and applied research; research development, test and evaluation of weapons, weapons systems and defense materiel; design and engineering for suitability, productivity, reliability, maintainability, and materials conservation. (2) Supervises all research and engineering activities in the Department of Defense. (3)

Directs and controls (including assignment or reassignment) research and engineering activities that the Secretary of Defense deems to require centralized management.

The Director has been given authority to "approve, modify, or disapprove programs and projects of the military departments and other Department of Defense agencies in his assigned fields."

38. Research and Engineering Policy Council:

Membership: Two Deputy Directors, Defense Research and Engineering; Director, ARPA; Deputy Director, ARPA; Director of Research and Development, Army; Chief of Research and Development, Army; Assistant Secretary of the Navy (Research and Development); Deputy Chief of Naval Operations (Development); Deputy Chief of Staff Research and Development, Headquarters U.S. Marine Corps; Assistant Secretary of the Air Force (Research and Development); Deputy Chief of Staff, Development, Air Force; Mr. George Lukes, Secretary.

39. Defense Science Board:

Membership: Chairman, Dr. H. P. Robertson. There are 28 members, composed of chairman of scientific panels, committees and boards of the Federal Government, who are ex officio members, and others from industry, educational fields, and independent scientific and technological agencies. This gives a Board composed of men eminently qualified in their respective fields.

Function: To advise the Director of Defense Research and Engineering on matters of scientific and technological policy.

40. Weapons Systems Evaluation Group (WSEG):

Origin: Established February 21, 1949, by Joint Chiefs of Staff and Chairman, Research and Development Board, with concurrence of the Secretary of Defense.

Director: Vice Adm. John H. Sides, U.S. Navy.

Director of Research: Dr. Charles A. Boyd, Jr.

Remarks: This group is under the administrative direction of the Director of Defense Research and Engineering. It also receives directives straight from the Joint Chiefs of Staff. Its work is essentially that of operations analysis of weapons systems.

41. OSD Ballistic Missiles Committee:

Origin: Established November 8, 1955, by Secretary of Defense.

Membership: Chairman: Hon. Thomas S. Gates, Jr., Deputy Secretary of Defense; Director of Defense Research and Engineering; Assistant Secretary of Defense, Comptroller; Assistant Secretary of Defense, Properties and Installation; Assistant Secretary of Defense, Supply and Logistics; representative, Bureau of the Budget.

Remarks: By including in the membership those officials from whom clearance must be obtained in connection with the different phases of the missile program, much time is saved over the old system of sending papers from office to office "for comment or concurrence."

42. Assistant Secretary of Defense, Comptroller:

43. Assistant Secretary of Defense, Properties and Installations:

44. Assistant Secretary of Defense, Supply and Logistics:

45. Assistant Secretary of Defense, International Security Affairs:

Remarks: The first three of the above list are members of the OSD Ballistic Missiles Committee. Their offices have a backup responsibility in this connection. There is also an additional responsibility in connection with missiles other than the ballistic type.

Specifically, the Comptroller is concerned with the funding of missile programs and how this fits into the fiscal policies of the Defense Department.

The Assistant Secretary for Properties and Installations is concerned with policies governing the acquisition and use of properties

* NASA press release, July 1, 1959.

† NAS Press release, Aug. 3, 1958.

for testing sites and installation of missile sites.

The Assistant Secretary for Supply and Logistics is concerned with policies governing the production and procurement of items related to the employment of missiles, such as ground handling equipment, and with general logistic support for the missile program and the operational employment of missiles.

The Assistant Secretary for International Security Affairs is interested in the provision of missiles to foreign governments, either by grant aid or sale, and their employment under the policies of our military assistance program.

46. Secretary of the Army:

Incumbent: Hon. Wilber M. Brucker.

Remarks: As head of the Department, he is responsible for Army activities in connection with missiles and military space vehicles.

47. Army Ballistic Missile Committee:

Origin: This was initially a joint Army-Navy committee concerned with development of an IRBM. Subsequently, effective February 19, 1957, the committee was redesignated under its present name by the Secretary of the Army.

Membership: Chairman: Secretary of the Army, Director of Research and Development, Chief of Research and Development, Chief Scientist of the Army, Director of Special Weapons; Office of Chief of R. and D.

Function: Advisory and expediting committee for handling research and development of such missiles as Jupiter and Pershing and special projects assigned to the Army such as supplying space vehicles.

48. Assistant Secretary of the Army for Financial Management:

Incumbent: Hon. George H. Roderick.

Remarks: This office is concerned with the funding of missile and space programs which are assigned to the Army, and with the preparation of budgetary requests.

49. Assistant Secretary of the Army for Logistics:

Incumbent: Hon. Courtney Johnson.

Remarks: Responsible for policy matters in the field of logistics as they pertain to Army missiles and space activities.

50. Director of Research and Development, Army:

Incumbent: Mr. Richard S. Morse.

Remarks: Responsible to the Secretary of the Army for the Army R. and D. program.

51. Chief of Staff of the Army:

Incumbent: Gen. Lyman L. Lemnitzer, USA.

Remarks: Responsible to the Secretary of the Army for military aspects of the missile and military space vehicle program within the Army.

52. Scientific Advisory Panel:

Membership: Chairman: Dr. James McRae. Eight committees of five to eight members each, with chairman and vice chairman for each committee: Firepower, ground mobility, air mobility, communication and electronics, human factors, environmental research, chemical, biological, and radiological warfare, management of research and development.

Function: To advise the Secretary of the Army, Chief of Staff, and Chief of Research and Development on all scientific and related matters of concern to the Army.

53. Deputy Chief of Staff for Logistics, Army:

Incumbent: Lt. Gen. R. W. Colglazier, Jr., USA.

Remarks: Responsible to the Chief of Staff for procurement and production of Army missiles and their associated equipment and materiel, also for logistic support for missile firing units.

54. Chief of Research and Development, Army:

Incumbent: Lt. Gen. Arthur G. Trudeau, USA.

Remarks: Deputy to the Chief of Staff for research and development responsibilities of the Army.

55. Director of Special Weapons, Army:

Incumbent: Maj. Gen. W. W. Dick, USA.

Remarks: Responsible to Chief of Research and Development for research and development activities with respect to Army missiles and space vehicles. Coordinates the Army missile and space projects for the Chief, R. and D.

56. Research and Development Review Board:

Membership: Chief of Research and Development, Deputy Chief of Research and Development, Chief Scientist Adviser, Secretary of the Board.

A working group of nine members including: Chief of Programs and Budget, Director of Special Weapons and alternate, Director of Development and alternate, Director of Research and alternate, Chief of Plans Division, Secretary of the Board.

Remarks: Reviews program segments and budget estimates concerned with research and development submitted by the general staff, technical services, and other operating units in the research and development field to insure that: combined programs for all services are integrated and coordinated and are in consonance with strategic and program guidance; all important fields of research and development are adequately covered; and non-essential projects are eliminated.

57. Chief Signal Officer:

Incumbent: Maj. Gen. R. T. Nelson.

Remarks: Responsible for planning, direction, and supervision of the Army program for signal communications electronics, and photographic activities as they pertain to the missile and military space satellite programs of the Army.

58. U.S. Army Signal Research and Development Laboratories:

Remarks: These are the field agencies responsible for implementing the Signal projects concerned with missile and military space programs.

59. Chief of Ordnance, Army:

Incumbent: Maj. Gen. J. H. Hinrichs, U.S. Army (nominated to be lieutenant general).

Remarks: Concerned with technical feasibility of new missile projects. He has overall supervision and coordination of the technical aspects of guided missile systems.

60. Chief of Engineers:

Incumbent: Maj. Gen. E. C. Itschner, U.S. Army (nominated to be lieutenant general).

Remarks: The Corps of Engineers is responsible for the construction of certain Army and Air Force missile launching sites.

61. U.S. Army Ordnance Missile Command (U.S. Army, OMC):

Activated: March 31, 1958.

Commanding General: Maj. Gen. John B. Medaris, U.S. Army.

Remarks: This command was established to bring under one head the agencies of the Chief of Ordnance primarily concerned with missiles. It has been assigned the responsibility, with necessary authority delegated, for execution of the whole Ordnance mission for guided missiles.

On matters of special priority (such as Jupiter) the Chief is authorized to go directly to the Secretary of the Army for guidance.

62. Army Ballistic Missile Agency (ABMA):

Remarks: Activated on February 1, 1956, to have program responsibility for longer range ballistic missiles: Redstone, Jupiter, Pershing, and space vehicles. Dr. Wernher von Braun is the scientific director.

63. Army Rocket and Guided Missile Agency (ARGMA):

Remarks: Responsible for free rockets and for those guided missiles which do not fall under the control of ABMA. This Agency is

credited with development of the Honest John, Nike family, Lacrosse, and Hawk.

64. White Sands Missile Range:

Remarks: Activated July 9, 1945, as the White Sands Proving Ground. It provides a range for testing missiles, appropriate to its limited range, by all three services. It also conducts engineering tests of complete missile systems before release to troops.

65. Secretary of the Navy:

Incumbent: Hon. William B. Franke.

Remarks: As chief official of the Department of the Navy, he is responsible for the Navy's missile and space vehicle program.

66. Assistant Secretary of the Navy (Research and Development):

Incumbent: Hon. James H. Wakelin.

Remarks: Formerly Assistant Secretary of the Navy (Air), he was given the added responsibilities for research and development. During a recent reorganization, the office was redesignated as shown above.

67. Navy Ballistic Missile Committee:

Membership: Chairman, Chief of Naval Operations; Assistant Secretary of the Navy (R. and D.); Under Secretary of the Navy; Deputy Chief of Naval Operations (Readiness); Director of Guided Missiles.

Remarks: This Committee was formed in connection with the Special Projects Office to provide one agency to give top level direction to the fleet ballistic missile program (Polaris).

68. Chief of Naval Operations (CNO):

Incumbent: Adm. Arleigh A. Burke, U.S. Navy.

Remarks: He is the principal naval adviser and naval executive to the Secretary of the Navy on the conduct of the activities of the Department of the Navy. Responsible to the Secretary of the Navy for determining operational requirements for missiles and directing the bureaus in fulfilling these requirements.

69. Navy Research and Development Committee:

Membership: Chairman, Assistant Secretary of the Navy (R. and D.); Chief of Naval Research; officers in offices of CNO, Navy bureaus, and Commandant of the Marine Corps concerned with research and development matters.

Function: To assist the Assistant Secretary for R. and D. in review and supervision of programs.

70. Director, Office of Special Projects (Polaris):

Incumbent: Rear Adm. W. F. Raborn, U.S. Navy.

Remarks: This is a quasi-bureau, single-manager type of operation, specially established to cut across channels and expedite the fleet ballistic missile program. The Director has direct access to the Secretary of the Navy when guidance is needed.

71. Deputy Chief of Naval Operations for Development:

Incumbent: Vice Adm. J. T. Hayward, U.S. Navy.

Mission: To exercise overall planning and direction of the Navy research and development program.

Functions: Planning and coordinating future development, coordinating requirements, evaluating effectiveness, assigning priorities, weighing costs.

Remarks: The purpose of this office is to increase the ability of the Chief of Naval Operations to keep the research and development programs progressive and flexible.

72. Deputy Chief of Naval Operations (Air) [DCNO (Air)]:

Incumbent: Vice Adm. R. B. Pirie, U.S. Navy.

Remarks: Responsible to CNO for all Navy requirements and operations with regard to guided missiles.

73. Director of Guided Missiles Division:

Incumbent: Rear Adm. K. S. Masterson, U.S. Navy.

Remarks: Coordinator of the Navy guided missiles program. Reviews and formulates operational requirements and develops preliminary operational concepts and techniques for missiles. He is the executive member of the Navy Ballistic Missile Committee, to which he reports directly.

74. Chief of Naval Research:

Incumbent: Rear Adm. Rawson Bennett II, U.S. Navy.

Remarks: The Office of Naval Research is part of the Executive Office of the Secretary of the Navy, established in 1946 (10 U.S.C. 5150-5153). The Chief of Naval Research is appointed by the President. He is principal adviser to the Secretary of the Navy on all basic research matters. He also keeps CNO advised of developments within this field and disseminates information to the bureaus of the Navy as well as other interested agencies.

75. Naval Research Laboratory (NRL):

Remarks: Conducts a broad program of research and development which includes nearly every area of the physical sciences of interest to the Navy. Much of its program is done for and financed by the Navy Bureau.

The Naval Research Laboratory was made responsible for the scientific earth satellite program which was part of the United States participation in the International Geophysical Year (IGY).

76. Bureau of Aeronautics (BuAer):

77. Bureau of Ordnance (BuOrd):

Remarks: Both of these Bureaus have responsibility for research, development, procurement, and production of missiles assigned to their respective jurisdictions. Legislation has recently been enacted authorizing merger of these two Bureaus into a Bureau of Naval Weapons.

78. Bureau of Ships (BuShips):

Remarks: This Bureau is concerned with the construction or conversion and adaptation of ships for the firing of missiles.

79. Bureau of Yards and Docks (BuDocks):

Remarks: This Bureau has the responsibility for construction of naval shore establishments, including missile test centers and stations.

80. Test ranges and stations:

Remarks: The Navy operates a number of missile testing facilities under BuAer or BuOrd. The former operates a large test center at Point Mugu, Calif., and BuOrd has missile testing facilities at China Lake, Calif., and Chincoteague, Va. The Army facilities at White Sands Missile Range and the Air Force facilities at Cape Canaveral, Fla., are also available to the Navy.

81. Secretary of the Air Force:

Incumbent: Hon. James H. Douglas.

Remarks: As head of the Department, he is responsible for Air Force activities in connection with missiles and military space vehicles.

82. Air Force Ballistic Missile Committee:

Membership: Chairman, Secretary of the Air Force; Assistant Secretary, Research and Development; Assistant Secretary, Financial Management; Assistant Secretary, Materiel; Vice Chief of Staff; Assistant Chief of Staff for Guided Missiles.

Function: To expedite the ballistic missile programs having special priorities. Like its counterparts in the Army, Navy, and Office of the Secretary of Defense, this committee includes in its membership the principal officials who are concerned.

83. Assistant Secretary of the Air Force (Research and Development):

Incumbent: Hon. Joseph V. Charyk.

Remarks: Responsible to the Secretary for direction, guidance, and supervision over the Air Force research and development program.

84. Assistant Secretary of the Air Force for Materiel:

Incumbent: Hon. Philip Taylor.

Remarks: Responsible to the Secretary of the Air Force for direction, guidance, and supervision over the procurement, production, distribution, maintenance, and disposal aspects of the missile programs.

85. Assistant Secretary of the Air Force (Financial Management):

Incumbent: Hon. Lyle S. Garlock.

Remarks: Is responsible to the Secretary of the Air Force for direction, guidance, and supervision over the fiscal and financial management aspects of the Air Force missile program.

86. Chief of Staff, U.S. Air Force:

Incumbent: Gen. Thomas D. White, U.S. Air Force.

Remarks: Responsible to the Secretary of the Air Force for the military aspects of the Air Force missile and space vehicle programs.

87. Assistant Chief of Staff for Guided Missiles:

Incumbent: Maj. Gen. C. M. McCorkle, U.S. Air Force.

Function: Advises and assists the Chief of Staff on all matters relating to guided missiles. He coordinates the Air Force staff efforts and monitors the missile programs.

88. Scientific Advisory Board:

Membership: Chairman, Lt. Gen. D. L. Putt, U.S. Air Force, retired; Vice Chairman, Dr. M. Guyford Stever; Military Director, Lt. Gen. Roscoe C. Wilson, U.S. Air Force.

Ten panels, totaling about 160 members. The panels cover the following fields: Aero-medical and biosciences, aerospace vehicles, electronics, geophysics, guidance and control, nuclear energy, psychology and social sciences, reconnaissance, basic technology.

89. Deputy Chief of Staff for Materiel:

Incumbent: Lt. Gen. Clarence S. Irvine.

Remarks: Develops materiel policies, plans, and programs for the support of the Air Force missile program.

90. Deputy Chief of Staff, Development:

Incumbent: Lt. Gen. R. C. Wilson, U.S. Air Force.

Remarks: Responsible to the Chief of Staff for the direction and implementation of the Air Force research and development program.

91. Air Research and Development Command (ARDC):

Commanding General: Lt. Gen. Bernard A. Schriever, U.S. Air Force.

Remarks: This command conducts approved Air Force research and development programs, both through contractual relationships with outside agencies and in its own facilities. It is the operating agency through which the Air Force manages every aspect in the development of a new weapons system from basic research to final tests of hardware.

92. Ballistic Missile Division (BMD):

Commanding General: Maj. Gen. O. J. Rittland, U.S. Air Force.

Function: Responsible for the development of the long-range ballistic missile systems.

Remarks: The Air Force announced on October 2, 1958, that it had reorganized BMD to give a new emphasis to military space projects, equal to that which had previously been given to missile projects.

93. Space Technology Laboratory:

Function: Responsible to the Ballistic Missile Division on a contractual basis for technical matters in relation to the Air Force ballistic missile program.

94. Air Materiel Command (AMC):

Commander: Lt. Gen. Samuel E. Anderson, U.S. Air Force.

Function: Provides materiel support (procurement, production, maintenance, etc.) for all Air Force missile programs.

95. Ballistic Missile Center:

Commanding General: Maj. Gen. Ben I. Funk, U.S. Air Force.

Function: Responsible for procurement, production and logistic planning for ballistic missile programs.

Remarks: This agency works very closely with the Ballistic Missile Division and, while the commander of the center is not under General Schriever, he is, in effect, his deputy for procurement, production and logistics.

96. Aeronautical Systems Center:

Function: Responsible for procurement, production and management of missile programs other than ballistic missiles.

Remarks: This is the counterpart of the Ballistic Missile Center. The Ballistic Missile Center was established to deal with the special priority ICBM-IRBM programs while the Aeronautical Systems Center renders the same service for all of the other Air Force missile programs.

97. Air materiel areas:

Function: To provide materiel support for assigned missile programs.

98. Weapons system project offices:

Function: Responsible for the direct Air Force management of a single missile weapon system during the development and production phases.

Remarks: These offices perform the same service for missiles such as Snark, Hound Dog and others that BMD performs for the ICBM-IRBM programs.

99. Test centers:

Remarks: The Air Force has several testing facilities for missiles and space vehicles. The Air Force Missile Test Center at Cape Canaveral, Fla., and Vandenberg Air Force Base in California are test and firing centers for the ICBM-IRBM program. Facilities at White Sands Missile Range are used through the medium of Holloman Air Development Center in New Mexico. The Arnold Engineering Development Center at Tullahoma, Tenn. and the Air Force Flight Test Center at Edwards Air Force Base in California have important engineering test functions. The Special Weapons Center at Kirtland Air Force Base, Albuquerque, N. Mex., is concerned with nuclear warheads for missiles.

100. Advanced Research Projects Agency (ARPA):

Origin: Directive by the Secretary of Defense, February 7, 1958.

Director: Roy W. Johnson.

Remarks: Responsible for direction or performance of such advanced projects in the field of research and development as the Secretary of Defense shall, from time to time, designate by individual project or by category. ARPA is authorized to arrange for the performance of research and development work by the military departments and by other agencies of the Government.

Since the appointment of the Director of Defense Research and Engineering, the research and development activities of ARPA are supervised by the former.

101. Naval Research Advisory Committee:

Origin: Act of August 1, 1946 (10 U.S.C. 5153).

Membership: C. G. Suits, Chairman; F. Seitz, Vice Chairman; R. F. Bacher, Clifford Furnas, T. Keith Glennan, E. H. Heinemann, R. A. Kern; A. B. Kinzel, J. W. McRae, Garrison Norton, E. R. Piore, I. I. Rabi, Dr. Roger Revelle, S. E. Terman, E. A. Walker.

Function: To consult with and advise the Chief of Naval Operations and the Chief of Naval Research.

Mr. ENGLE. Mr. President, I have mentioned the matter of duplication and overlapping in these various agencies. I have had a list prepared of the agencies in the Department of Defense performing similar functions as to space and missile programs.

No. 1 is "Research, development, engineering, and testing—civilian posts."

No. 2 is "Research, development, engineering, and testing—military posts."

No. 3 is "Research and development reviewing agencies."

No. 4 is "Ballistic missiles expediting committees."

No. 5 is "Scientific advisory agencies."

No. 6 is "Agencies responsible for development of long-range ballistic missiles."

No. 7 is "Staff coordinators of missile programs."

Also listed are scientific advisory bodies outside the Department of Defense and civilian-military activities in space.

Mr. President, I ask unanimous consent to have printed in the RECORD a short description of each of these various groups in these various brackets which perform similar functions in the space and missile field.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

A. AGENCIES IN THE DEPARTMENT OF DEFENSE PERFORMING SIMILAR FUNCTIONS AS TO SPACE AND MISSILE PROGRAMS

[Numbers in brackets refer to numbered boxes on chart No. 2]

1. Research, development, engineering, and testing, civilian posts:

(a) Office of the Secretary of Defense:

[37] Director of Defense Research and Engineering (Dr. Herbert F. York).

Overall supervision of all research and engineering activities in the whole Department of Defense, including authority to approve, modify or disapprove programs and projects of the military departments and other Department of Defense agencies in his assigned fields.

[100] Advanced Research Projects Agency (ARPA) (Director, Mr. Roy W. Johnson).

Responsible for direction or performance of such advanced projects in the field of research and development as the Secretary of Defense shall, from time to time, designate by individual project or by category. Authorized to arrange for the performance of research and development work by the military departments and by other agencies of the Government.

NOTE.—With regard to the two agencies above, Public Law 85-599, section 9, authorizes the Secretary of Defense or his designee to engage in basic and applied research projects with respect to weapons systems and military requirements, including advanced projects and, until August 6, 1959, in such advanced space projects as may be designated by the President.

ARPA has been designated to pursue certain projects but the law appears to permit the Secretary of Defense to assign these projects to the Director of Defense Research and Engineering if he chooses.

(b) Department of the Army:

[50] Director of Research and Development (Mr. Richard S. Morse—as of June 1, 1959).

Operates at the Assistant Secretary level but without that title. He performs a function for Secretary Brucker similar to that which Dr. York performs for Secretary McElroy but without quite such broad authority. Mr. Morse's post was not established by law as was Dr. York's post.

(c) Department of the Navy:

[66] Assistant Secretary of the Navy (Research and Development) (Mr. James H. Wakelin).

R. and D. functions were previously assigned to the Assistant Secretary of the Navy (Air). Under the Defense Reorganization Act, this office was abolished by the Navy and the office of Assistant Secretary of the Navy (Research and Development) was established.

(d) Department of the Air Force:

[83] Assistant Secretary of the Air Force (Research and Development) (Dr. Joseph V. Charyk).

2. Research, development, engineering, and testing—military posts:

(a) Department of the Army:

[54] Chief of Research and Development (Lt. Gen. Arthur G. Trudeau, U.S. Army).

He has primary General Staff responsibilities for planning, coordinating, directing, and supervising all Army research and development.

(b) Department of the Navy:

[71] Deputy Chief of Naval Operations for Development (Vice Adm. John T. Hayward, U.S. Navy).

Within the Office of the Chief of Naval Operations, is responsible for planning, direction, and control of research and development activities. (Acts in a capacity similar to that of General Trudeau.)

[74] Office of Naval Research (Chief, Rear Adm. Rawson Bennett II, U.S. Navy).

This office was established by law and the Chief is appointed by the President. It has primary responsibility for initiating and conducting basic research for the Navy and for maintaining contacts with outside scientific research agencies. In the recent reorganization of the Navy Department, the function of coordination of the Navy applied research and development programs was transferred to Deputy Chief of Naval Operations (Development) [71].

The Office of Naval Research was originally established as a basic research agency. Several years ago the coordination responsibility was added. The recent reorganization, which included the shifting of the coordination function to Admiral Hayward's office, has had the effect of reestablishing the Office of Naval Research as it was originally conceived.

Both Admiral Bennett and Admiral Hayward report to the Assistant Secretary of the Navy (Research and Development), the former on basic research matters, the latter on applied research, development, engineering and testing.

(c) Department of the Air Force:

[90] Deputy Chief of Staff, Development (Lt. Gen. Roscoe C. Wilson, U.S. Air Force).

General Wilson has the same kind of responsibility for research and development activities under the Chief of Staff, U.S. Air Force, that General Trudeau has under Chief of Staff, U.S. Army, and that Admiral Hayward has under the Chief of Naval Operations.

3. Research and development reviewing agencies:

(a) Office of the Secretary of Defense:

[38] Research and Engineering Policy Council. Membership: Chairman, Director of Defense Research and Engineering (Dr. York); Deputy Director of Defense Research and Engineering (Mr. John B. Macauley); Deputy Director of Defense Research and Engineering (Mr. Howard A. Wilcox); Director, Research and Development, Army (Mr. Morse); Chief, Research and Development, Army (General Trudeau); Assistant Secretary of the Navy (Research and Development) (Mr. Wakelin); Deputy Chief of Staff, Research and Development, Headquarters, U.S. Marine Corps (Brig. Gen. G. R. E. Shell, U.S. Marine Corps); Assistant Secretary of the Air Force (Research and Development) (Dr. Charyk); Deputy Chief of Staff, Development, Air Force (General Wilson).

(b) Department of the Army:

[56] Research and Development Review Board: Chairman, Chief of Research and Development (General Trudeau); Deputy Chief of Research and Development (Maj. Gen. R. J. Wood, U.S. Army); Chief Scientist Adviser (Dr. Weber); Secretary of the Board. There is also a working group of nine members.

(c) Department of the Navy:

[69] Navy Research and Development Committee Membership: Chairman, Assistant Secretary of the Navy, Research and Development (Mr. Wakelin); Chief of Naval

Research (Admiral Bennett); Deputy Chief of Naval Operations, (Development) (Admiral Hayward); officers in Office of Chief of Naval Operations, Navy bureaus and Office of Commandant, Marine Corps, concerned with research and development matters.

4. Ballistic missile expediting committees:

(a) Office of the Secretary of Defense:

[41] OSD Ballistic Missiles Committee: Established in 1955 to expedite decisions regarding long-range ballistic missiles.

Membership: Director of Defense Research and Engineering (Dr. Herbert F. York); Assistant Secretary of Defense (Comptroller), (W. J. McNeil); Assistant Secretary of Defense (Properties and Installations), (F. S. Bryant); Assistant Secretary of Defense (Supply and Logistics), (E. P. McGuire); representative, Bureau of the Budget.

(b) Department of the Army:

[47] Army Ballistic Missile Committee Membership: Secretary of the Army (Wilber M. Brucker); Director of Research and Development (Richard S. Morse); Chief of Research and Development (Lt. Gen. A. G. Trudeau); Chief Scientist of the Army (Dr. H. C. Weber); Director of Special Weapons (Maj. Gen. W. W. Dick, Jr.).

(c) Department of the Navy:

[67] Navy Ballistic Missile Committee Membership: Assistant Secretary of the Navy (Research and Development); (Mr. James H. Wakelin); Chief of Naval Operations (Adm. A. A. Burke, U.S. Navy); Under Secretary of the Navy, (Mr. Fred A. Bantz); Deputy CNO (Readiness) (Vice Adm. W. M. Beakley, U.S. Navy); Director of Guided Missiles (Rear Adm. K. S. Masterson).

(d) Department of the Air Force:

[82] Air Force Ballistic Missile Committee Membership: Secretary of the Air Force (James H. Douglas); Assistant Secretary (Research and Development) (Dr. J. V. Charyk); Assistant Secretary (Financial Management) (Lyle S. Garlock); Assistant Secretary (Material) (Philip Taylor); Vice Chief of Staff (Gen. C. E. LeMay, U.S. Air Force); Assistant Chief of Staff for Guided Missiles (Maj. Gen. C. M. McCorkle, U.S. Air Force).

NOTE.—Each of these ballistic missile committees has a similar function: to expedite the research, development, and production of long-range ballistic missiles. With this in mind, in each case the membership is composed of those top policy officials whose concurrence would be required before a program could proceed.

There is no overlapping in membership. Such duplication of effort as exists can be said to be due to any existing duplication in weapons systems which might conceivably exist; for example, between Thor and Jupiter or possibly between the Atlas-Titan-Minuteman group and Polaris.

5. Scientific advisory agencies:

(a) Office of the Secretary of Defense:

[34] Scientific Advisory Committee:

This committee should not be confused with the Science Advisory Committee of which Dr. Killian is Chairman and which reports to the President. The Scientific Advisory Committee was established in 1953 to advise the Air Force as to the feasibility of the ICBM. Later, it was transferred to the Office of the Secretary of Defense although it still reviews the Air Force ballistic missile program from time to time.

Membership: Chairman: Dr. Clark B. Millikan for other members, see table 1).

[39] Defense Science Board:

Chairman, Dr. H. P. Robertson. Membership (see table 1): The 28 members of this board are chairmen of scientific panels, committees and boards of the Federal Government (ex officio members) and others from outside agencies.

The function of this agency is to advise the Director of Defense Research and Engineering on matters of scientific and technological policy, whereas the Scientific Ad-

visory Committee advises in the specific field of missiles and rockets systems.

(b) Department of the Army:

[52] Scientific Advisory Panel:

Chairman, Dr. James McRae. Membership: Eight committees of five to eight members each.

Advises Secretary of the Army, Director of Research and Development, Chief of Staff, and Chief of Research and Development, on all scientific and related matters of concern to the Army.

(c) Department of the Navy:

[101] Naval Research Advisory Committee: Chairman, C. G. Suits; membership (see table 1); advises and consults with Chief of Naval Operations, Deputy CNO (Development) and Chief of Naval Research.

(d) Department of the Air Force:

[88] Scientific Advisory Board: Chairman, Lt. Gen. D. L. Putt, USAF (retired); membership, 10 panels, totaling about 160 members, covering the spectrum of sciences and technologies of concern to the Air Force.

6. Agencies responsible for development of long-range ballistic missiles:

(a) Department of the Army:

[61] U.S. Army Ordnance Missile Command (commanding general, Maj. Gen. John B. Medaris, U.S. Army; and

[62] Army Ballistic Missile Agency (ABMA) (commanding general, Brig. Gen. John A. Barclay, U.S. Army) (scientific director, Dr. Wernher von Braun).

ABMA was established February 1, 1956, to have the program responsibility for Army long-range missiles: Redstone and Jupiter. To these have been added the Pershing and any space projects assigned to the Army which use Redstone or Jupiter systems as launching vehicles.

The Ordnance Missile Command was activated on March 31, 1958, to put all missile activities under one agency which is responsible directly to the Chief of Ordnance. General Medaris, who had commanded ABMA, assumed command of the new Ordnance Missile Command and continued to be the point of contact for ARPA and NASA on projects for those agencies as he had previously been while commanding ABMA. While authorized direct access to the Secretary of the Army on urgent matters, the normal procedure is to deal through the Ballistic Missile Committee of which the Secretary is Chairman.

(b) Department of the Navy:

[70] Director, Office of Special Projects (Rear Adm. W. F. Raborn, U.S. Navy).

This Office was created to expedite the fleet ballistic missile program (Polaris) and the director has been given single-manager type of authority (similar to that held by General Medaris), including access to the Secretary of the Navy, through the medium of the Navy Ballistic Missile Committee.

(c) Department of the Air Force:

[92] Ballistic Missile Division (commanding general, Maj. Gen. O. J. Ritland, U.S. Air Force).

This Division has responsibility for the development of Air Force long-range ballistic missile systems (Atlas, Thor, Titan, Minuteman) and for such space operations as may be assigned to the Air Force. In this capacity, it is similar to Army's ABMA [62] and, to some extent, to the Navy's Office of the Director of Special Projects [70].

Recently, the commanding general, Lt. Gen. Bernard A. Schriever, U.S. Air Force, was advanced to the post of commanding general, Air Research and Development Command and was succeeded by General Ritland (whose nomination to major general is now before the Senate).

7. Staff coordinators of missile programs:

(a) Department of the Army:

[55] Director of special weapons (Maj. Gen. W. W. Dick, Jr., U.S. Army).

This officer coordinates the Army space and missile projects under the supervision of the chief of research and development. He is a member of the Army Ballistic Missile Committee.

(b) Department of the Navy:

[73] Director of Guided Missiles (Rear Adm. K. S. Masterson, U.S. Navy).

Coordinator of the Navy guided missiles program, this officer has been moved, under the recent Navy reorganization, from DCNO (air) to DCNO (development). He is the executive member of the Navy Ballistic Missile Committee [67].

(c) Department of the Air Force:

[87] Assistant Chief of Staff for Guided Missiles (Maj. Gen. C. M. McCorkle, U.S. Air Force).

This officer is the coordinator of Air Force staff efforts concerning missiles and he monitors the missile programs. He is also a member of the Air Force Ballistic Missile Committee [82].

B. SCIENTIFIC ADVISORY BODIES (OUTSIDE DEPARTMENT OF DEFENSE) CONCERNED WITH SPACE SCIENCE AND TECHNOLOGY

[Numbers in brackets refer to numbered boxes on chart No. 1]

1. [8] Science Advisory Committee:

Chairman: George B. Kistiakowsky.

Membership: (See table 1).

Advisers to the President in matters relating to science and technology; board of review for the President's scientific program.

2. [27] National Science Foundation:

Membership of the National Science Board: (See table 1).

This agency is concerned with promotion of basic research and education in the sciences. It evaluates Government research programs and, at the request of the Secretary of Defense, initiates and supports specific research activities relating to national defense.

3. [31] National Academy of Sciences-National Research Council:

This is a quasi-governmental agency, organized in 1863 under a Federal charter. The Council was organized in 1916 under the congressional charter of the Academy.

Under its charter, the Foundation is obligated, when asked by any department of the Government, to "investigate, examine, experiment, and report on any subject of science or art * * *". The cost of such services is paid from appropriations for that purpose but the Academy receives no compensation for its services.

A Space Science Board of 16 members (see table 1) was formed in 1958 "to survey in concert the scientific problems, opportunities and implications of man's advance into space."

C. CIVIL-MILITARY ACTIVITIES IN SPACE

In setting up the National Aeronautics and Space Administration [29] in 1958, Congress declared that it was U.S. policy "that activities in space should be devoted to peaceful purposes for the benefit of all mankind." Hence, a civilian space agency appeared to be more fitting for carrying out this policy than one under the military. A nucleus was

provided in the National Advisory Committee for Aeronautics, which was absorbed into the new agency.

To advise the President in developing a comprehensive program for aeronautical and space activities, and in providing cooperation between NASA and the Department of Defense, a National Aeronautics and Space Council [11] was established, the members to be: Chairman, the President; Secretary of State; Secretary of Defense, Administrator of NASA, Chairman of the Atomic Energy Commission, one additional member from the Federal Government, three additional members from outside the Government, eminent in fields of science, education, engineering, technology, administration or public affairs.

To keep the civil and military authorities advised as to what the others were doing, a Civilian-Military Liaison Committee [30] was established.

NOTE.—This is one means of achieving liaison between agencies. Another is for heads of activities to call each other informally and discuss mutual problems, without regard to the formal channels on the organization charts. This is usually what happens when busy men, striving to do their jobs well, begin to look around for more simple and direct ways of doing their work while, at the same time, keeping in proper channels. From recent remarks during a congressional hearing, it would appear that C-MLC has not yet begun to function in the full capacity envisioned for it, perhaps due to problems of getting organized.

Mr. ENGLE. Mr. President, I have mentioned the fact that Admiral Rickover complained bitterly that we had committees on committees, that we had a great many people serving on a number of committees, and that when they got off those committees they often moved onto other committees.

Mr. President, I have had prepared a chart of the membership of the scientific advisory bodies to the Federal Government, and listed are names of those upon those scientific advisory bodies and the various committees on which they serve; the Science Advisory Committee, the National Science Board, the Space Science Board, the Scientific Advisory Committee, the Defense Science Board, the Scientific Advisory Panel—Army—the Naval Research Advisory Committee, and the Scientific Advisory Board—Air Force.

I ask unanimous consent that this table be printed in the RECORD as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Membership of scientific advisory bodies to the Federal Government

[Numbers in columns refer to numbered boxes on charts 1 and 2]

	(8)	(27)	(31)	(34)	(39)	(52)	(101)	(88)
	Science Advisory Committee	National Science Board	Space Science Board	Scientific Advisory Committee	Defense Science Board	Scientific Advisory Panel (Army)	Naval Research Advisory Committee	Scientific Advisory Board (Air Force)
Roger Adams		X						
Allen Astin								
Robert F. Bacher	X				X			
William O. Baker	X							
John Barden	X							
Lloyd V. Berkner			X					
Hans Bethe	X							
Hendrik W. Bode				X				
Detlev W. Bronk	X	X		X	X			
Harold Brown								
Harrison S. Brown			X					
R. W. Cairns					X			

Footnotes at end of table.

Membership of scientific advisory bodies to the Federal Government—Continued

[Numbers in columns refer to numbered boxes on charts 1 and 2]

	(8)	(27)	(31)	(34)	(39)	(52)	(101)	(88)
	Science Advisory Committee	National Science Board	Space Science Board	Scientific Advisory Committee Defense Science Board	Scientific Advisory Committee Defense Science Board	Scientific Advisory Panel (Army) ¹	Naval Research Advisory Committee	Scientific Advisory Board (Air Force) ²
Britton Chance.....	X							
John Dunning.....				X				
Hugh L. Dryden.....				X				
Lee A. DuBridge.....		X						
Elmer W. Engstrom.....					X			
James B. Fisk.....	X							
Darol K. Froman.....				X				
Clifford Furnas.....					X		X	
T. Keith Glennan.....							X	
Leo Goldberg.....			X					
Laurence M. Gould.....		X						
William B. Graham.....		X		X				
Paul M. Gross.....		X		X				
Edward E. Harriman.....			X					
H. Kefauver.....			X					
E. H. Kerner.....				X			X	
Robert W. Henderson.....				X				
Theodore M. Hesburgh, C.S.O.....		X						
Donald F. Hornig.....			X					
Frank L. Horsfall.....		X			X			
William V. Houston.....		X						
George D. Humphrey.....		X		X				
Lawrence A. Hyland.....								
Zay Jeffries.....					X			
Warren C. Johnson.....					X			
R. A. Kern.....					X		X	
James R. Killian, Jr.....	X				X			
A. B. Kinzel.....					X		X	
George B. Kistiakowsky.....	X			X				
Edwin H. Land.....	X							
Charles C. Lauritsen.....				X				
Charles A. Lindbergh.....				X				
William Littlewood.....					X			
Robert F. Loeb.....		X						
George D. Lukas.....					X			
Kevin McCann.....		X						
Donald H. McLaughlin.....		X						
Robert R. McMath.....				X				
James W. McRae.....				X		X	X	
Edward J. McShane.....		X						
Frederick A. Middlebush.....		X						
Clark B. Millikan.....		X		X	X			
Joseph C. Morris.....		X						
Samuel M. Nabrit.....		X						
Garrison Norton.....							X	
W. A. Noyes.....			X					
Morrrough P. O'Brien.....		X						
E. R. Pore.....	X						X	
R. W. Porter.....			X					
Edward M. Purcell.....	X							
Lt. Gen. D. L. Putt (USAF, retires).....					X			X
Dr. Isador Rabi.....	X						X	
E. Duer Reeves.....					X			
C. F. Rasmussen.....					X			
Roger Revelle.....							X	
H. P. Robertson.....	X				X			
L. Eugene Root.....					X			
J. Berkley Rosser.....				X				
Bruno B. Rossi.....			X					
Jane A. Russell.....		X						
Glenn Seaborg.....	X	X						
Wilbur Schram.....					X			
Frederick Seitz.....					X		X	
A. H. Shapley.....			X					
Leslie E. Simon.....			X					
John A. Simpson.....			X					
Cyril Smith.....	X							
S. S. Stevens.....			X					
M. Guyford Stever.....								X
Julius A. Stratton.....		X						
C. G. Suits.....							X	
W. J. Sweeney.....					X			
Edward L. Tatum.....		X						
S. E. Terman.....							X	
L. T. E. Thompson.....					X			
Harold C. Urey.....				X				
James A. Van Allen.....				X				
O. G. Villard, Jr.....				X				
Ernest H. Volwiler.....		X						
E. A. Walker.....							X	
Alan T. Waterman.....		X			X			
Warren Weaver.....		X						
Jerome B. Wiesner.....	X			X				
Paul A. Weiss.....	X							
Harry Wexler.....			X					
Douglas M. Whitaker.....		X						
Roscoe C. Wilson, USAF.....								X
Harry A. Winne.....					X			
Dael Wolfe.....					X			
George P. Woollard.....			X					
Carroll L. Zimmerman.....				X				

¹ Has 8 committees of 5 to 8 members each. Names not immediately available.² Has 10 panels totaling about 160 members. Names not immediately available.

Mr. ENGLE. Mr. President, I have mentioned the overlapping and duplication of these various agencies inside the Defense Department itself, and I remind the Senate that this does not cover those agencies which are included within NASA. As I said previously, NASA itself, in addition to these I have already mentioned, has 14 research advisory committees on which military personnel serve, and in turn there are 34 working groups and committees of the Department of Defense on which NASA staff members serve.

To complete the jurisdictional complexity and overlapping, both NASA and the agencies of the Defense Department give assignments to research and development units in the military services, so there are even more groups than I have mentioned.

POSITIVE SUGGESTIONS—THE ADVANCED RESEARCH PROJECTS AGENCY (ARPA) SHOULD BE ABOLISHED

It is perfectly apparent from the examination of these charts that the Advanced Research Projects Agency—ARPA—is the fifth wheel in the space and missile organization. The Secretary of Defense is directly responsible, with his various assistants and committees, for the missile program. Since he has three operating agencies—the Army, the Navy, and the Air Force, the existence of a fourth research and operating agency makes no sense whatever.

The research activities of ARPA ought to be transferred to Dr. Herbert F. York, Director of Defense Research and Engineering, who is principal adviser to the Secretary of Defense on scientific and technical matters. His office, which operates directly under the Secretary of Defense, does the following: First, advises on basic and applied research, research development, test and evaluation of weapons, weapons systems and defense materiel; design and engineering for suitability, productability, reliability, maintainability, and materials conservation—which is quite a mouthful and covers quite a broad scope; second, supervises all research and engineering activities in the Department of Defense; third, directs and controls—including assignment or reassignment—research and engineering activities that the Secretary of Defense deems to require centralized management. As Director of this agency he has been given authority to “approve, modify, or disapprove programs and projects of the military department and other Department of Defense agencies in his assigned fields.”

The broad scope and significant powers given to Dr. York in the field of research and engineering and Mr. Johnson as Chief of the Advanced Research Projects Agency has, inevitably, brought about misunderstanding.

I have just referred to research functions. Similarly, there is no justification for ARPA duplicating the operating functions which are now adequately handled through the three separate services. There is no function presently being conducted by ARPA as an operating agency that could not be just as well handled in one or more of the present

military services. General Schriever, although stating that ARPA had performed some good functions, has expressed the opinion that ARPA could be very well done away with at the present time. His testimony on the subject on April 23, 1959, before the Subcommittee on Government Organization for Space Activities, would be of interest. I should like to quote from page 428 of the hearings:

Senator SYMINGTON. Just for the record, what precisely would be accomplished by the future abolishment of ARPA, as you suggest?

General SCHRIEVER. Well, I think primarily it would bring the operator and developer together under the same tent so that we can, in fact, have a single point or centralized point for planning, programing, budgeting, and implementing.

Senator SYMINGTON. It will consolidate responsibility with authority.

General SCHRIEVER. Yes.

Senator SYMINGTON. And shorten the time required to do the job?

General SCHRIEVER. I think so. Yes.

Senator SYMINGTON. Would it end up by doing the job for less money? Of course, if you shorten the time you would also save money.

General SCHRIEVER. I think it would.

Senator SMITH. You mean your question is predicated on the abolishment of ARPA?

Senator SYMINGTON. My question is: Precisely what would the abolishment of ARPA accomplish?

I believe that you said that you felt ARPA might be abolished as of July 1, 1959. Is that correct?

General SCHRIEVER. Yes. If some decisions are made with respect to the operating responsibility.

If those decisions are not made, then you have got to have a referee at the Department of Defense level.

Senator SYMINGTON. A referee between whom and whom?

General SCHRIEVER. Between the services as to who does what.

So General Schriever made a rather significant statement, I would think, for a military officer, in response to questions asked by the distinguished Senator from Missouri in recommending that this particular agency be abolished.

CONSOLIDATION OF THE SPACE AND MISSILE PROGRAMS

A careful study of the subject matter indicates no logical basis for completely separating the missile and space programs. In reviewing the history of the matter, it appears that the National Aeronautics and Space Administration—NASA—was set up as a separate civilian agency because the Administration wanted to negate the idea of our space program being military in character and to place emphasis, as far as the development of our program in outer space is concerned, on the civilian and peacetime uses of space and our space activities.

This is commendable, but I think the significant fact overlooked was that the Defense Department is under civilian leadership. The Secretary of Defense and all his top assistants are civilians. As far as I can determine, the Russians have not been too thin-skinned about the military operation of their space program. My information is that they have their entire space program under military leadership. However, I am con-

vinced that NASA and our outer space program have been too well established and are too far down the road to completely abolish them and start over again. I think, however, that we can make some improvements by taking the services out of the satellite business and setting up a military applications division in NASA to look after their interests in this field. This would operate in somewhat the same manner as the military applications division in the Atomic Energy Commission. These two programs have many similarities. Atomic energy, for instance, is not used exclusively for wartime purposes. However, many of the things developed in the atomic energy field do have military applications. As an illustration, the Atomic Energy Commission can develop a small warhead which, when developed, is delivered to the respective military services for use in connection with the intercontinental ballistic missiles, the Polaris missile, the Nike-Zeus, or whatever particular vehicle will be used to carry the warhead.

The same thing is true with reference to space activity. There are certain types of space activities that have military applications; for instance, communications, weather information, and surveillance of certain areas of the earth. There is no use in having both NASA and the military developing space vehicles and the boosters which put them into space. Let me take a moment here to explain my terms, since even the experts are not always agreed on terminology. By space vehicles I mean the satellites, probes, and similar mechanisms which are sent into outer space to perform various missions. The boosters are the rockets which propel these vehicles into space and, having done so, usually become detached. I am not proposing that the military turn over to NASA further development and production of these boosters—the Atlas, Thor, Jupiter, and so on. These are components of weapons systems and there must be no interference with our defense program.

What I propose is that the development of the satellites and outer space vehicles be done by NASA but that, in this development, there be given concern for specific military applications. If the military departments need a space vehicle, that vehicle can be developed by NASA and turned over to the military for its particular type of application. When NASA needs a booster they should take advantage of what the military has to offer, either in existing hardware or in know-how acquired from developing rockets for weapons. If the military has nothing to offer, then NASA can develop its own boosters.

It must be remembered that a space vehicle has three of the four problems involved in an ICBM. It has the problem of propulsion, the problem of guidance, and the problem of reentry. The only one separate characteristic of the ICBM is the warhead. In place of this, the space vehicle has a scientific payload. With three of four of the essential problems involved in going to, remaining in, and returning from, outer space completely overlapping between the civilian

and the military applications of space knowledge—the conclusion is inevitable that the two ought to be worked very closely together. For that reason, I advocate the establishment of a military applications division in NASA to see that that kind of coordination occurs and that duplication of working and overlapping of functions are avoided not only in the top echelon of the Department of Defense but down through the operating agencies.

I call the Senate's attention to the findings made by the Committee on Aeronautical and Space Sciences in its report on Governmental Organization for Space Activities dated July 14, 1959. Item 2 of the findings states: "The distinction between civilian space activities and military requirements is difficult to determine, particularly with reference to assignment of responsibility." The discussion of this matter in the report is of very great interest. I regret that the committee's findings and recommendations were not somewhat more specific on what can be done.

The testimony of General Schriever before the Subcommittee on Government Organization for Space Activities, part I just referred to, regarding the close connection between civilian and military space operations will, I am sure, be of great interest to the Members of Congress and the public generally. General Schriever makes it very clear that the two are inseparable. He points out that satellites will provide us with an additional means of extending our present military capabilities. These matters are currently under study and are highly classified. It is clear, however, that satellite warning systems will make it possible for us to detect the launching of Soviet missiles much sooner. Reconnaissance satellites can give us information regarding the military operations throughout the world and, to name a few others, there are communications, weather, navigation, and mapping and charting satellites. All these can perform important military functions for all three services. They also, of course, have important nonmilitary applications, but these connections clearly negate the idea that the military and the civilian space operation ought to be completely separate. The reverse is true. They ought to be put together, and that is what I propose when I suggest that a formal military applications division be made a part of NASA, and that that division have the power to eliminate duplication and overlapping of work down the line through the various services and in the Defense Department—and, in addition, have the function of getting into the hands of the military, at the earliest possible time, information with respect to the military application of the space development programs.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ENGLE. I am delighted to yield to the distinguished Senator from Missouri, chairman of the committee which made this investigation, from whose report I have just quoted testimony.

Mr. SYMINGTON. I was absent from the city yesterday, and did not have the

opportunity to see the text of the address of the able junior Senator from California until this morning.

I believe this address is as important as any made on the floor of the Senate this year.

When our President went to Europe, with the prayers and best wishes of the American people, one of the reasons he gave in a press conference as to the importance of seeing the people of Europe, and having Mr. Khrushchev come here, was the tremendous cost of our Military Establishment. I believe he mentioned a figure of \$41 billion.

In my opinion, what the able Senator from California is doing today is showing how a vast amount of money could be saved through major reorganization of the Department of Defense.

I regret that less than half a dozen Senators are present in the Chamber to hear this important address, but am glad to note that the able junior Senator from Mississippi [Mr. STENNIS] is presiding over the Senate at this time. No one is more cognizant of various problems of national defense than he.

I note that the Senator from California, in his magnificent address, has referred to the findings of a Space Subcommittee over which I had the honor to preside, and which subcommittee made a report last July. He mentions the fact that the committee report should have been more specific. I agree. Nearly all witnesses felt it was a bit too early to change any legislation, because said legislation was so new it actually had not had time to be tried out. Therefore the recommendations the subcommittee made were on the basis of recommendations to the executive branch, to "button up," so to speak, decisions under the laws as they now exist.

I ask my distinguished colleague if he does not believe that a great deal of money could be saved if we were to reorganize the astronautics aspects of the military and civilian branches of the Government at this time.

Mr. ENGLE. I certainly do agree with my distinguished friend from Missouri. I appreciate the compliment he has paid me today, because, not only as a former Secretary of the Air Force, but as a nationally known expert in the field with which we are dealing today, he is the most competent authority I know of to deal with this particular problem. The recent hearings and the report of his committee did a great deal to ventilate this whole subject matter for the Nation.

One of the recommendations specifically made by his committee has already been followed out, namely, putting the Civilian-Military Liaison Committee in a position to move more actively and more directly. Instead of being a debating society, it now has the authority to settle interdepartmental disputes, which authority it did not have prior to July 1 of this year.

What I have recommended is in line with the testimony before the Senator's committee. General Schriever's testimony was very plain, that the function of going out into space cannot be separated into two segments, one on the

civilian side and the other on the military side. He pointed out that they completely overlap.

As I have said, I think we have been a little too thin skinned. We wanted to be sure that we would have a civilian agency doing the research and development in the field of space science. We ignored the fact that the whole top echelon of the Defense Department is civilian dominated.

What I am saying is that we should create a Military Applications Division inside the Space Agency, just as we have a Military Applications Division inside the Atomic Energy operation. I believe that if we did that we would start to clean up the overlapping and duplication.

As I pointed out a few minutes ago, NASA has 14 research advisory committees on which military personnel serve, and there are 34 working groups or committees in the Department of Defense on which NASA staff members serve.

It can be seen how easily they become confused, and how difficult it is to find out who has jurisdiction, and who should make the decision. After one has run the trapline of all those committees, he still does not know whether he is going to get to the man who has the power to make the decision or not.

Mr. SYMINGTON. I shall have further questions later, and thank the Senator for his kind remarks. I again say there has been no more important address on the floor of the Senate this year than the one the Senator from California is now delivering. Having read the complete text of the Senator's address, I shall defer other questions until he has developed additional points.

Mr. ENGLE. I thank my friend from Missouri; and I shall be glad to yield later.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield to the distinguished Senator from Alaska.

Mr. BARTLETT. The speech which the junior Senator from California is now making is, as the Senator from Missouri just said, one of the most important delivered on the floor of the Senate this year. I commend the Senator from California for his penetrating, analytical approach to this problem, which involves the very survival of our Nation.

The recommendations which the Senator has outlined are pertinent to the subject, and in my opinion they should be considered and acted upon without delay. It is not only that we do not have sufficient scientific talent to provide for duplication. It is not only that we do not have money to waste on these programs; but time is of the essence, and we must coordinate and plan properly, in order that we may not lag in competition in this great new field.

Although it is true that at the moment very few Senators are present in the Chamber to hear the speech of the Senator from California, I think his remarks should have, and will have, widespread attention in this Nation in the days immediately ahead. Those concerned with military matters and space matters will

surely read it, reread it, and study it. My prediction is that the audience will be much wider than that, because in my opinion the Senator goes to the very heart of the question of the survival of our country. I think he is to be commended for calling these matters to the attention of the American people today.

Mr. ENGLE. I very much appreciate the remarks of my distinguished friend from Alaska. He represents one of the newest States, one which is only a short distance from the Soviet Union, and which, in a sense, is an outpost of America in facing the Soviet challenge, which might come across the North Pole.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield to my distinguished friend from Pennsylvania.

Mr. CLARK. I hesitate to interrupt the train of the Senator's fine speech, but inasmuch as two of my colleagues have already made comments, I am sure my friend will not mind if I join them in expressing my admiration and appreciation for the very constructive and detailed speech which the Senator from California is making.

He knows the great efforts along these lines which have already been made by the junior Senator from Missouri [Mr. SYMINGTON] and the junior Senator from Washington [Mr. JACKSON] as members of the Committee on Armed Services. It is heartening to me, as one who does not serve on this committee, to see the fresh blood coming into the committee and taking the initiative in urging a comprehensive reorganization of our defense activities, which is so long overdue, which has been the responsibility of the President of the United States for the last 6 years, and about which he has done so very little.

I commend the Senator from California and am delighted at the interest he is taking in the subject. As a result of the fresh views which he brings to this subject, I hope that before the present Congress fades into history we will have pushed water up hill and forced a reluctant administration to save the billions of dollars in defense which could come from reorganization, while, at the same time, giving a greater efficiency to our Armed Forces.

Mr. ENGLE. I appreciate the remarks of the Senator from Pennsylvania. I am glad he mentioned the matter of defense reorganization in its total picture, because I intend to deal with that. The complaints about the need for reorganization in the Department of Defense from the military leaders themselves would take 3 days to recite if they were all quoted on the floor. Yet no one does anything about them. I have made some specific recommendations, because eventually it will be necessary to get down to doing something about them. I recommended the abolishment of ARPA. General Schriever had the courage to sit before the chairman of the subcommittee, the distinguished Senator from Missouri [Mr. SYMINGTON] and recommend the abolishment of ARPA.

I have suggested putting the operations of ARPA into the respective services, because we have three tiers of

operating services now. I have made a specific recommendation, that we should create a military applications division in NASA, which is the civilian space agency, in the same manner as we have a military applications division in the atomic energy field. The problem is practically the same.

I am glad the Senator from Missouri mentioned the President of the United States, because I desire to deal now with some of the broader problems—the matter of the unification of the services, and the matter of the basic reorganization of the services. I will quote what the President of the United States said in his message to Congress on April 3, 1958:

Separate ground, sea, and air warfare is gone forever. If ever again we should be involved in war, we will fight it in all elements, with all services, as one single concentrated effort.

Then he said—and I emphasize this sentence:

Peacetime preparatory and organizational activity must conform to this fact.

I call particular attention to the last sentence of the statement I have just quoted. We are a long way from the preparatory and organizational activity that conforms to the fact that separate ground, sea, and air warfare is gone forever. We still have the same organization we always had. We still have the same organization that is based upon fighting separate ground, sea, and air warfare. We still have the Army to fight the ground wars, the Navy to fight the sea wars, and the Air Force to fight the air wars. Now, if the President is right—and I think he is—that separate ground, sea, and air warfare is gone forever, why do we not change our organization to meet the new kind of war that must be fought? This will call for a complete reorganization of the Department of Defense along the lines of functions and missions, rather than the outmoded Army and Navy and Air Force organizational setup.

Gen. Maxwell Taylor, on a recent national television program, made the statement that we simply are not able to determine what we have from a budgetary standpoint. For instance, our retaliatory capability at the present time is spread between the three services. The Strategic Air Command has the biggest part of it, but the Navy has some, and the Army has some in connection with short-range atomic weapons. As long as this continues we will always be over built in one section and under built in some other. General Taylor said that there was simply no system presently set up whereby we can find out what we have in each one of these functional fields.

I am sure there is no Member of the Senate who is more familiar with that fact than the present occupant of the chair, the distinguished Senator from Mississippi [Mr. STENNIS], who is not only a member of the Committee on Armed Services, but is also a member of the subcommittee of the Committee on Appropriations which deals with defense matters.

As another illustration, continental air defense is spread at the present time

between the Air Force, the Army, and the Navy. The Army has the point defense, the Air Force has the area defense, and the Air Force and the Navy operate the early warning system.

In other words, we have the Air Force and the Navy out there to yell "Here they come." Then we have the Air Force, in the next echelon, taking over on area defense. But if the enemy gets past the Air Force, then the Army has to take over on point defense. This is going to lead to confusion.

As General Taylor said, we cannot tell from the organization we have now when we are overbuilt in one area and underbuilt in another.

My suggestion, therefore, is that the present organization structure of the Defense Department be abolished, that we eliminate the designations of the Army, the Navy, the Air Force, and the Marine Corps as service designations, and that the Defense Department be reorganized on the basis of functions and missions.

REORGANIZATION ON FUNCTIONAL BASIS

I would not be too specific at this time with respect to the details, but it seems to me that we ought to have at least a retaliatory striking force; a limited war force; a continental defense; and a logistic command.

Col. Seymour I. Gilman, of the Army, has written an intensely interesting article on this subject in the *Military Review* of April 1959. His proposed reorganization provides for two groups of combat forces—the Deterrent Force and the Unified Commands; two groups of support forces—the Air Defense Command and the Assault Command; and, lastly and separately, the Logistic Command, which has responsibility of backing up the other four with logistic support.

The chart in the Senate Chamber is a blowup of the functional reorganization which Colonel Gilman has recommended.

Several other proposals for functional organizations have been made; two of which stand out in my mind are the one by Henry A. Kissinger and an earlier one by Col. Albert P. Sights, Jr., of the Air Force.

I am not prepared to comment on the logic of the detailed areas, but I am perfectly sure that the reorganization of the Defense Department on the basis of mission and function is an absolute prerequisite to meeting the challenge of modern warfare, and the sooner we get to it the better. This will be promptly followed by the change in the budgetary process, which would meet the criticism that Gen. Maxwell Taylor has leveled against our present system, that because of our organization difficulties we find ourselves operating in the dark about half the time.

The mechanical difficulties of arranging such a massive reorganization are enough to deter the bravest in spirit. Recently, the Navy Department recommended the consolidation of two of their operating bureaus—the Bureau of Aeronautics and the Bureau of Ordnance. An act authorizing that consolidation has just been signed by the President. I was surprised to hear the witnesses for the Navy talk about the confusion and

difficulty that attends even putting together two of their bureaus. You will note on the organizational chart which I have submitted that they are a long way down in the organization structure. And so I have no doubt that effecting the kind of reorganization I am talking about is going to take some doing.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. SYMINGTON. At the end of the last war there was a committee, the Richardson committee, consisting of two generals and two admirals. There was Admiral Richardson and an admiral whose name I cannot now remember. There was General George, and a general whose name I cannot now remember. That committee, based upon their war experience, voted to have real unification of the services. The vote was 3 to 1.

At that time one of the strongest advocates of such unification was the then General Eisenhower. Later a unification bill was passed, but it was not in accordance with the type and character of the bill which Secretary Stimson, General Marshall, General Eisenhower, and many others felt was right. Instead of obtaining one service, as was the original hope, the debate centered on the position of those who favored administration as against coordination. Coordination won.

As a result, we now have four services counting the Defense Department instead of one, whereas before we had two. We have the Air Force, in addition to the Army and Navy; and we also have the Department of Defense.

Since that time it has been all too obvious that we should increase the authority of the Secretary of Defense. This has been done several times and again last year by the Congress. But especially because of changes in the nature of possible war—changes which in the last 15 years have been greater than in the previous thousand we are now operating our defenses on the basis of tradition, instead of reorganizing them in recognition of progress.

Do these remarks of mine conform to the thinking of my distinguished friend?

Mr. ENGLE. I certainly agree with my distinguished friend, the Senator from Missouri. A little later in my remarks I shall discuss briefly the problems connected with unification. I believe that a reorganization of the Defense Department on a functional basis must be preceded by a real unification.

But, as the distinguished Senator from Missouri has said, instead of decreasing the number of branches of our armed services, they wound up by increasing the number. Now we have four; and, in addition, as I have pointed out, in the space and missile field we have a fifth wheel on the wagon—to wit, ARPA, which ought to be abolished.

As I have observed, in his article Colonel Gilman has suggested that the reorganization on a functional basis be phased over a 5-year period. I think it will take that long, even if we started now. So the sooner we start, the better.

I have already referred to the proposed organization chart of the Defense Department along functional lines, as suggested by Colonel Gilman in his article. Since this chart cannot be reproduced in the CONGRESSIONAL RECORD, I shall insert, at this point, a description of the chart, as it is presented in the article. I am not prepared to say whether this would be the best possible organization on a functional basis. For instance, I would prefer to strike out the word "Air," before the words "Defense Command", and have this section read "Continental Defense Command"—which would include all types of defensive activities or plans, in addition to air defense. However, it is something to start with; and it certainly lays the foundation for the kind of thinking that needs to be done in this field.

Colonel Gilman has prepared a detailed description of his proposal, as follows:

The proposed organization shown in the figure is designed on a functional basis, in terms of the job to be performed, independent of artificial land, sea, and air areas of responsibility.

The principal features of the proposed organization are:

1. It provides the Secretary of Defense with complete authority and control over all the Armed Forces and military operations essentially as provided for in the Reorganization Act of 1958.
2. It provides a military Chief of Staff and a General Staff in place of the JCS and the Joint Staff.
3. It substitutes functional commands for the present Departments of the Army, Navy, and Air Force.
4. It provides a unified deterrent force.

THE SECRETARY OF DEFENSE

Under the fundamental principle of overall civilian control of the military the Secretary of Defense retains the same general authority and control of the various forces as he now has with respect to the three services and the unified commands under the Reorganization Act of 1958. He also absorbs the functions and responsibilities of the JCS and the Joint Staff. The assignment of a Chief of Staff and a General Staff to his office enables him to carry out these functions. He is responsible for the direct allocation of funds, personnel, and other resources to the various forces. Thus he is in a position to influence directly the balance of effort between the forces and to ensure adequate emphasis on high priority projects.

THE SUPPORT FORCES

The support forces include the Air Defense, Assault, and Logistic Commands. These commands provide combat-ready units and logistic support for the combat forces but are not responsible for combat operations.

The common functions of the support forces include the following:

1. Organizing, administering, training, and equipping combat-ready units and providing them to the deterrent force and unified commands, as directed by the Secretary of Defense.
2. Support of the deterrent force and unified commands, as directed by the Secretary of Defense.
3. Determination of qualitative requirements for weapons and equipment required to accomplish assigned missions.
4. Development of doctrines, procedures, tactics, and techniques applicable to their respective commands and their assigned units.

AIR DEFENSE COMMAND

This command is responsible for furnishing combat-ready air defense units and equipment to the combat forces. These units are organized, trained, and equipped to provide defense against the entire threat spectrum whether projected from land, sea, or air. This includes the capability for defense against the intercontinental ballistic missile (ICBM), the intermediate range ballistic missile (IRBM, both surface and sub-launched), manned aircraft, air-to-surface missiles, and military satellites. Antisubmarine units are developed and provided by the Air Defense Command because the primary threats of the future submarine will be the use of IRBM's of the Polaris type. This then becomes an air defense problem in a functional organization.

The weapons and equipment required to accomplish these operations include surface-to-air missiles; anti-ICBM's; anti-IRBM's; interceptors; ground, airborne, and shipborne early warning radar; fire direction systems; as well as associated ground environment and communication systems.

ASSAULT COMMAND

This command is responsible for furnishing combat-ready offensive units and equipment to the Combat Forces. These units are organized, trained, and equipped for offensive operations, projected from land, sea, or air and irrespective of the range of engagement—from close combat to intercontinental ranges.

The units provided by the Assault Command are capable of the following types of offensive roles:

1. Strategic, tactical, and fleet air operations.
2. Offensive missile operations whether projected from land, sea, or air.
3. Offensive ground operations involving the use of the new pentomic units.
4. Amphibious operations.
5. Airborne and air-landed landing operations.
6. Naval combat support operations.
7. Mine warfare operations.
8. Chemical, biological, and radiological warfare operations.
9. Psychological and unconventional warfare operations.

LOGISTIC COMMAND

The Logistic Command is responsible for the provision of all aspects of logistic support for the Support Forces and for the Combat Forces, irrespective of land, sea, or air application. Each of the commands and the Deterrent Force have only such integral logistic support units and facilities as are required for immediate support of their own respective missions.

The principal responsibilities of the Logistic Command are:

1. Research and development.
2. Centralized procurement.
3. Transportation (Including Military Air Transport Service (MATS), Military Sea Transportation Service (MSTS), and convoy operations).
4. Storage, supply, distribution, maintenance, repair and replacement.
5. Communications.
6. Weather service.
7. Medical service.
8. Real estate and construction.

DETERRENT FORCE

This force is organized, trained, and equipped to deploy to or strike on short notice any designated target area in the world to deter or defeat enemy aggression. It also is used to put out "brush fires" as well as to support or reinforce United States or allied troops overseas, as required. It includes those Air Defense Forces required to protect the Deterrent Force Bases from surprise

enemy air or missile attack. It is organized by the assignment of appropriate units furnished by the support forces. The force includes aircraft (land or sea based); offensive missiles, such as ICBM, IRBM (ground and sublaunched); offensive satellites; and appropriate Strategic Army Corps (STRAC) units.

Air and missile operations may be conducted independently, in support of, or in conjunction with appropriate airborne operations. As distinguished from the present deterrent concept based on the use of the Strategic Air Command only, the proposed Deterrent Force insures the complete use of all ground, sea, and air forces capable of deterrent action and insures their complete coordination under a single commander. A cellular organization permits all or specified portions of the force to be committed. The necessary air and seafight is allocated to this force on a permanent basis as required for training and operations.

Although the Deterrent Force is, in effect, a unified command, it is designated as a separate force in order to emphasize its importance to the world as the cornerstone of our national policy of deterrence.

UNIFIED COMMANDS

The Unified Commands are established and directed by the Secretary of Defense and essentially have the same missions and areas of operations as are now prescribed by the Reorganization Act of 1958, with the exception of the Strategic Air Command and the Continental Air Defense Command. The Strategic Air Command becomes a part of the Deterrent Force and the Continental Air Defense Command contains all units and equipment required for the air defense of the United States, except those which are assigned to protect the deterrent bases. The Unified Commands are all constituted by the assignment of such units provided by the Support Forces as required to accomplish the mission assigned by the Secretary of Defense.

Mr. President, I call attention to a speech made by Gen. Maxwell D. Taylor before the National Press Club on June 25, 1959, in which he also dealt with this problem. It was a significant speech, and was delivered at the time when General Taylor was preparing to retire. I should like to quote from his speech. He said:

It is possible to make this thing plain if one goes to the necessary trouble. So I would lead off and make a declaration of sincere belief; namely, that one of the great problems we are faced with in our country today is the need for a complete reappraisal of our military and strategic objectives in the light of the changes which have occurred in the world and which have invalidated, in my judgment, the dependence upon massive retaliation as the fundamental keystone of our strategic art; that following such a reappraisal we then need to determine once more the building blocks which should go into our national strategy.

We should determine the kinds of military forces which are appropriate to these changed conditions and, after that, then determine yardsticks of sufficiency for these various functional categories. I mean by functional categories those functions that contribute toward strategic retaliatory forces; those forces that go into continental air defense; the so-called limited war forces; the antisubmarine forces. Those are the categories I have in mind.

Then, having determined what is the yardstick, how much is enough in these areas, then we should recast—

I emphasize this point, Mr. President—our entire budgetmaking procedure of the Department of Defense so that we budget,

not vertically in terms of the forces of the Army, Navy, and Air Force, but horizontally in terms of these functional forces.

Mr. President, even a casual examination of the chart which I have placed in the Chamber today indicates the validity of what General Taylor was talking about.

REAL UNIFICATION NEEDED

Underlying the whole problem of reorganization of the Defense Department along functional lines and jobs to be done is the unification—and by that, I mean the real unification—of the services. It seems to me that the unification of the services is a necessary prerequisite to the reorganization of the Defense Department on a functional basis.

Mr. President, I may say that I have dealt with some things which can be done immediately, in my opinion—such as, first, abolition of ARPA, and, second, creation of a military applications division, inside of NASA; and I have spoken of the major problem of reorganization on functional lines, as urged by General Taylor. But underlying all that, we need to do this job of unification.

On May 16, 1957, the distinguished columnist, James Reston, discussed the unification problem, in an article in the New York Times. In his article, he made the following comments regarding some statements made by the President of the United States:

The President recalled this morning that he returned from World War II convinced that "the day of the separate services was gone."

I have already referred to the President's statement that the day of separate ground warfare and separate air warfare and separate sea warfare is over.

I read further from the article:

He added that he had encountered "very fierce opposition" then, but that the law establishing the Defense Department did not meet with his desires.

He wanted at that time a chief of staff for the President. He emphasized over and over again that the main thing that was needed was the power of decision to settle inevitable differences among the services.

"In war," he said, "you must have decision. A bum decision is better than none. And the trouble is that when you get three [decisions] you finally get none."

"We all agree," he told the Armed Services Committee of the Senate in 1947, "that that kind of [unified] command is necessary in the field. In my opinion, it is necessary in such things, finally, as our planning and our basic legal authority."

That was in 1957. Since then we have had the Defense Reorganization Act of 1958, which was a significant improvement. But everybody agrees we have not gone far enough yet, and it is perfectly apparent that we have not. While the Reorganization Act was a constructive move in the right direction, I point out that it was just that—a move, but not an end in itself. I strongly believe that we should use it as the means of further reorganization until we put our defenses in proper shape to meet the challenge which faces us.

These charts showing the space and missile programs clearly illustrate the

difficulty. We have three vertical tiers of operating agencies: the Army, the Navy, and the Air Force. Then, alongside of that, we have the fourth function—the Advanced Research Projects Agency—which I have suggested should be abolished. Senators will observe that General Taylor referred to the difficulties this organizational situation creates in the budget-making process. He said we should recast our entire budget-making procedure so that we budget not vertically in terms of the functions of the Army, Navy, and Air Force, but horizontally in terms of functional forces.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. ENGLE. Yes; I yield to the Senator from Missouri.

Mr. SYMINGTON. I continue to be impressed with this address and ask this question: Does not the Senator believe a single Chief of Staff would be one of the primary steps forward we could take?

Mr. ENGLE. I have favored a single Chief of Staff, and the Senator will observe that in the proposed reorganization by Colonel Gilman, which I have referred to in this speech, a military Chief of Staff and a general staff is advocated in this particular program. Without endorsing this program in all of its details, I think when we finally have a unified service, we ought to have a unified Joint Chiefs of Staff—when we have that, we will have one Chief of Staff.

Mr. SYMINGTON. I bring this up because I am impressed with the step-by-step approach the Senator is taking. It is well known that President Eisenhower, back in 1945, favored a single Chief of Staff. According to Mr. Reston, as you have pointed out, in 1957 he favored a single Chief of Staff. Yet, to the best of my knowledge since becoming President he has never recommended a single Chief of Staff. Therefore, I make the point that we are not implementing the thoughts that many of us have had for many years, from the standpoint of proper defense organization.

A single Chief of Staff would be one of the first steps, toward real unification. As illustration, for some years now the Army has come to the Joint Chiefs of Staff with a recommendation for additional airlift. But the Army is consistently outvoted on this point in the Joint Chiefs of Staff. Later, when the question of airlift comes to the Congress, the statement is made that the Joint Chiefs of Staff have decided current airlift is adequate. In that way, because of this majority vote, instead of having the views of the man responsible for the Army picture, the American people are misled into believing that it is a Joint Chiefs of Staff decision. The opinion does not reflect the view of the Army Chief of Staff.

This morning I noted what to my mind is a serious matter from the standpoint of the security of the United States. That is the invasion of Indian territory by Communist China.

Would not the Senator agree with me that this is a serious matter?

Mr. ENGLE. It is not only serious in itself, but it seems to me it takes on addi-

tional seriousness in the light of the visitor we are soon to have here from the Communist world.

Mr. SYMINGTON. I also heard this morning that fighting in Laos has started again and is increasing in intensity. Would not the Senator think that is important from the standpoint of our own national interest, especially considering the billions of dollars we put into Indochina.

Mr. ENGLE. It further illustrates the arrogance of the Communists. One would think they would have the decency to "lay off" and desist from their aggressions throughout the world until they could get this little mutual visit that has been scheduled over with; but they haven't even the good manners to do that.

Mr. SYMINGTON. I noticed also today that there was a naval attack yesterday in the Strait of Formosa; that the National Chinese and the Chinese Communists fought, and one of the Chinese Communist vessels was set afire. In other words, although we have had the concept of the defense of the United States, called "massive retaliation," which I think we all agree is not the best, we also have a ground force combat problem and a naval combat problem. To me, this condition emphasizes the importance of having also an army, a navy, and an air force capable of waging conventional war, as well as one capable of handling massive retaliation.

Does the Senator agree?

Mr. ENGLE. The Senator is correct, as he always is in connection with these matters. I place the priorities in this way: The first priority, of course, is to establish an indestructible retaliatory power in the nature of a intercontinental ballistic missile, the Atlas, the Minuteman, the Titan, or the Polaris. The second highest priority is the reorganization of our Army, Navy, and Air Force to fight brush wars. I think when there has occurred a balance of power, so far as intercontinental ballistic weapons armed with hydrogen and nuclear warheads, are concerned, the next struggle is going to be in the area of periphery wars, and the capability of fighting those wars such as there is in Laos today, such as there has been in Formosa, and on the border of India.

We do not know where another war may break out, but we may be sure the Communists will be prodding, and probing, and unless we want to be nibbled to death, we had better get the Army, Navy, and Air Force ready to fight conventional, limited war in those areas.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. HENNINGS. I do not like to interrupt the splendid address of the Senator from California, but I wish to associate myself with what he has said, if I may be permitted to do so, and also with what my colleague from Missouri has said with respect to the address. This is an exceedingly important subject. I am sorry there are not more Senators present this morning to get the benefit of what the Senator from California has said. I hope all Senators will read his address in the RECORD.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ENGLE. I am delighted to yield.

Mr. STENNIS. Mr. President, my comments will be with reference to the Senator's speech, or otherwise I would propose a unanimous consent request that they be printed elsewhere, instead of as an interruption of the speech.

I really consider myself highly fortunate that by chance I came to the Senate Chamber on the way to some other official duties, so that I could listen to this speech by the Senator from California. I know the Senator is making a very fine contribution in a very complicated field, to which there is no quick solution of problems. I believe with all my heart, based on my limited experience in wrestling with this subject, that the Senator is certainly on the right road. I believe his clear statement of this problem, with the possibilities for solution, as reflected in the speech, will prove to be a landmark.

I think there are several reasons why we are necessarily traveling along the road toward the city of a unified service or one service. There are economic reasons as well as the reasons the Senator has mentioned. I can fully understand the difficulties in the path of the thinking of our very esteemed military men in all the services. I am quite hesitant to try to advance a thought in this field, because it is outside of my function, but I know the thought must come in large part from outside the military services. That is not a reflection upon them at all, but is simply a statement of the facts of human nature. In regard to the legal profession, which is my profession, since I am a lawyer, the proposal for change had to come from outside the realm.

I am happy to be able to say sincerely there is no one with more energy, more devotion and more capability of studying this matter than the Senator from California. He does not hit in the bark. When he hits it is a lick in the wood.

The Senator is very fair about this matter. He has no irons in the fire. I commend the Senator very highly for his very fine work.

My only complaint is that the Senator did not let me, as well as other Senators, know when he was going to make this speech. It is one of the fortunes of our system that the merits of his speech will be preserved. I think it will cause tremendous study and will be a definite step forward.

I am sure this proposal is going to meet with opposition also, and it will be sincere opposition. We must move forward, however. There is no solution, as I see it, to our present military problems within the framework of our present organization, because the problem is different, the conditions to be met are different, and the solution will require a different system.

I believe the Senator is advancing in that direction, and I commend him highly, as well as thank him.

Mr. ENGLE. Mr. President, I certainly appreciate the remarks by my distinguished colleague from Mississippi.

No one in this Senate is more familiar with the difficulty of managing the problems about which we are talking today than the distinguished Senator from Mississippi, who not only serves as chairman of the Military Construction Subcommittee of the Committee on Armed Services but also handles the military construction appropriation bill. Those two obligations, which are onerous obligations, are certainly best calculated to give the Senator from Mississippi the finest grasp of this subject matter of anyone in this body.

I say to the Senator that managing this problem is like trying to pick up a haystack—there never seems to be a good place to get hold. What I am trying to do is to find a way to get hold of the problem.

PROBLEMS INVOLVED IN INTEGRATION OF SERVICES

We cannot, however, get reorganized in terms of functional forces until we have wiped out the present organizational system and created a unification of the forces. Achieving complete unification is a difficult and tedious task. It will take some time. Here are some of the problems involved in a complete integration of the military services:

First. It will be necessary to consolidate four separate promotion lists. Senators may recall the difficulty back in the late forties—when large numbers of Reserve officers were integrated into the Regular services—of fitting them equitably into the promotion lists. Senators can imagine the problem of consolidating the entire promotion lists of the Army, the Navy, Air Force, and Marines.

Second. A collateral problem will be the consolidation of four separate lists of personnel serial numbers, or an adoption of a totally new list of numbers. At the present time each service has its own system of serial numbers.

Third. Mountains of paper will be involved in changing the personnel records to reflect the consolidation of the four separate promotion lists and the consolidation of the four separate lists of serial numbers.

Fourth. There will have to be a consolidation of service regulations or their replacement by a new set of regulations. At the present time each service has its own regulations. They have been different with reference to reserve requirements. This applies both to Regulars and Reserves of each of the services, all having separate regulations.

Fifth. The merger of the technical services will require a lot of time and patience; for example, here—in no special order—are some of the mergers which would be involved:

- (a) The Army Engineers and Navy Seabees and Engineers.
- (b) The various service medical units.
- (c) Quartermaster and supply services.
- (d) Ordnance and weapons procurement.
- (e) Aircraft procurement.
- (f) Judge advocates general.
- (g) Chaplains.

One would think they would be able to unify the chaplains in the service without any trouble at all.

(h) Special services for the respective services, such as PX's, theaters, recreation, and so forth.

(i) Research and development activities.

(j) Logistic support.

(k) Transportation.

(l) Finance operations—paymasters.

(m) Comptrollers and auditors.

(n) Provost marshals.

(o) Signal communications.

(p) Intelligence activities—this includes attachés to the various embassies.

We would think that we could get the attachés to the embassies unified without too much trouble.

(q) Adjutants general and personnel activities.

(r) Career management for officers and senior noncoms.

(s) Service schools and colleges.

(t) Chemical, biological, and radiological warfare.

(u) Posts, camps, stations, bases, and shore establishments.

(v) Inspectors general.

(w) Reserve and National Guard activities.

(x) Bringing Joint Chiefs of Staff into harmony with new defense reorganization.

(y) Civilian personnel administration.

We are not as far away from a complete unification as some people might think. I see a definite trend in that direction right now. For example, the unified commands as now set up go a long way toward integration of the separate arms into one fighting force. I am referring now to the unified commands we have overseas. It should not be too hard to carry this step up to the Washington level.

BUDGETING BY FUNCTION

Another example which illustrates my point is the way in which the defense budget is now presented. Let me quote some testimony which was given on June 17 before the Senate Preparedness Investigating Subcommittee:

Mr. VANCE. Mr. Stans, * * * you said you reviewed the budget on a functional basis, and that you considered such a review the most important way to get at the needs of defense. * * * I wonder if you will tell us what you meant?

Of course, Mr. President, that was the very point General Taylor was making before the Press Club.

Mr. STANS (Director of the Budget). Without balancing to every dollar requested in the budget, we grouped together the program components of each of the four military services into four categories. One was the strategic striking forces, the second was the defense of the striking force and the home base, the third was the ground and sea forces, and the fourth was the general category of support to the forces.

Which, of course, would be the logistic support forces, and this is not much different from the breakdown that has been indicated in Colonel Gilman's organization from a functional standpoint.

Mr. Stans proceeds:

Now, working within those four categories, we pulled together in a broad sense the various programs and looked at them as an aggregate by functions rather than looking at the budget of the Department of Defense in terms of the separate military services.

Mr. VANCE. Could you explain in a little bit more detail what you mean when you say you pulled them together in a broad sense?

Mr. STANS. Well, we broke out of the Air Force, Army, Navy, and Marines, to the extent that their budget submissions included such items—for example, all of the programs relating to strategic striking forces as one category. Most of it is in the Air Force, but within the Navy an item of that character is the Polaris submarine. We grouped together for consideration of the budget all of the items in the service that could properly be classed as a strategic striking forces program in terms of the weapons systems. We did the same with respect to the other categories.

That concludes his statement. Of course, as I have said, this testimony occurred on June 17, and it was after that that General Taylor made the statement before the Press Club, and made a statement, too, on a national television program, that there was no way today to tell what we actually had in these functional fields. Sure, they are grabbing for it, and I am glad that they are.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. SYMINGTON. Mr. President, the Senator from California, in his typical fashion, has put his hands on a most interesting piece of testimony by the Director of the Bureau of the Budget. As a member of the Senate Preparedness Investigating Subcommittee, I heard Mr. Stans make that statement.

It is the function of the Bureau of the Budget to try to get maximum return for the citizens' tax dollar, is it not?

Mr. ENGLE. That is their announced function.

Mr. SYMINGTON. What the Director of the Bureau of the Budget is really doing here, as I see it, is outlining the fact that in order to obtain maximum return for our tax dollars, we should go to the functional system and, as he says, "break out" of the Air Force, Army, Navy, and Marine setup in order to obtain maximum efficiency. Note that the number one man in the fiscal field of the administration's budget setup, and the number one fiscal man except the Secretary of the Treasury is, in effect, endorsing the proposal which the Senator from California is recommending to the Senate this morning.

Is that not a fair interpretation of this testimony?

Mr. ENGLE. That is correct, and they are trying to put it into operation in practice without taking the bruising step of saying to these services, "You are abolished as a service designation."

I recall that Abraham Lincoln was having trouble getting a military company over a fence. He did not know what kind of order to give to get the company over the fence, so he gave the order, "Halt." Then he said, "Fall out, and fall in on the other side of the fence." That is what is needed in the Defense Department. Somebody needs to say, "Fall out," as far as the present service designations are concerned, "and fall in on the other side of the fence," in a different kind of lineup.

Mr. DOUGLAS. Will the Senator yield?

Mr. ENGLE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Could not a part of this difficulty be solved by making the Marine Corps the force for limited war, if the Marine Corps took over the mission of limited war with certain other units which might be added to it?

Mr. ENGLE. The Marines are a great fighting organization, and I assume that any time we have limited wars the Marines will be active and in the forefront of the combat. I would hope that whatever functional organization we set up to manage limited wars it will be one as good as the Marines.

Mr. DOUGLAS. It is already such a force in being.

Mr. ENGLE. There are not enough of them at the moment.

Mr. SYMINGTON. Will the Senator yield?

Mr. ENGLE. I am glad to yield.

Mr. SYMINGTON. Mr. President, all the arguments made for the Army are also equally applicable to the Marine Corps, to the best of my knowledge. The Marine Corps and the Army, together, are the ground combat forces of the United States.

I have always supported the Marine Corps. It is sad but true that as we see Communist developments in those three separate places this morning, Laos, India, and Formosa, we find that we are lacking in mobility and modernity in both the Marine Corps and the Army; for example, in airlift and in new weapons. It is inconceivable to me that we can have all these commitments, all over the world, to many of our friends, which commitments are being reemphasized today, and, at the same time, have ground troops which are neither modern nor mobile.

I do not want to take too much of the time of the Senator from California, but I thank him for this fine address, because for many, many years I have advocated a proper unification of the services as the best way to obtain maximum defense at minimum cost.

Nobody wants to abolish any of the services. But they must be tightened up into one overall command. We are not only losing vast sums of money, which the testimony of the Director of the Bureau of the Budget so clearly shows, but because of the increasing importance of time in our military picture, we are losing time, and time is priceless, and therefore we are very definitely jeopardizing our security.

Mr. ENGLE. I agree with the Senator. I have been very careful to say that while we should abolish the present service designations, we must continue the same kind of basic activities we now have. But these activities have to be organized along functional lines.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I commend the able and distinguished junior Senator from California upon his profound presentation of the problem, the solution to which is essential to the preservation of our national existence. The presentation of

this problem by the Senator from California is evidence of what all of us who serve with him on the Armed Services Committee have long since observed and known to be true; namely, that no Member of Congress has devoted more energy and time to the study of the problems connected with national defense, or is rendering more magnificent service to the people of his country, than the distinguished Senator from California.

Mr. ENGLE. I appreciate the remarks of my distinguished friend from North Carolina, who is a member of the Committee on Armed Services, and one of the best informed members of that committee.

I wish to bring this statement to a close. I have made some specific suggestions. We could pile testimony in the Senate Chamber until there would be no room for Senators, in support of the kind of programs which I have advocated.

First, I have said, Let us abolish the fifth wheel on the wagon. Let us abolish ARPA. Second, let us create a Military Applications Division inside NASA. Third, let us achieve a unification of the armed services, and then let us reorganize the armed services of the country and the Defense Department on a functional basis.

Where do we go from there? It is one thing to say we should reorganize, but somehow or other we never seem to make any progress.

STUDY NECESSARY TO SET UP UNIFICATION PROGRAM

It is possible that most of the specific mergers I referred to a moment ago could be accomplished under the authority and procedure contained in the Defense Reorganization Act of 1958, but it is perfectly obvious that further unification is not going to go forward without some general plan prepared in advance, with various phases worked out so they will come in a logical sequence. We cannot do this all at once and we must not let our military organization be torn to pieces with the current world situation as critical as it is. The job will have to be done according to a plan which has been carefully thought through and prepared so that, if an emergency arises, we can stop the merging process temporarily and deal with the crisis without loss of combat effectiveness. When the emergency passed, we would then pick up the process where we left off.

STUDY SUGGESTED BY ARMED SERVICES COMMITTEE

For these reasons I wish to suggest, Mr. President, that a study be undertaken under the jurisdiction of the Armed Services Committee for the purpose of laying the foundation for a complete unification of the services. I visualize that this study would be conducted on a strictly objective, nonpolitical basis for the purpose, first, of making the complete reappraisal of our military and strategic objectives as proposed by General Taylor. Then I would think the study should progress to an examination of the steps to be taken to reorganize our military organization along the lines most efficient and effective in meeting

these military and strategic objectives, with benefits to be expected and pitfalls to be avoided. Finally, I would expect that the study would point the way for unification by including a carefully thought out, time phased broad program for getting the myriad of steps accomplished. Somewhere along the line, such a study ought to be made, and I may decide, after consultation with the chairman of the Committee on Armed Services, to offer a resolution on the matter at a later date.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ENGLE. I yield to the Senator from Missouri.

Mr. SYMINGTON. I believe there is great merit in the recommendation of the able Senator from California. I have discussed this subject many times with the chairman of the Senate Armed Services Committee, who is at least as wise in this field as any other Member of the Senate.

However, the problem—as has been brought out in able fashion by the Senator from California—is that it is almost impossible to get anywhere in a reorganization which involves the executive branch without the support of the administration.

Let me illustrate. Last year the administration came before the Senate and requested a bill which gave some further possibilities toward unification. When the bill came to the Senate there was much debate. But it was supported by the administration, and therefore it passed, by a vote of 80 to 0, if my recollection is correct as to the figures. Although I would fully support anything that could be done following the excellent recommendations of my friend, I emphasize how difficult it will be unless we can get the support of the administration, as is so well demonstrated by the past history, which the able Senator from California has so ably presented today.

I hope to have the opportunity of joining with my friend in discussing this idea with the chairman and other members of the committee, because I believe his ideas have great merit, and have felt that way for many years.

Mr. ENGLE. I thank the Senator from Missouri. He is correct. There will be great difficulty in moving without the support of the administration; and I will not proceed with the resolution until I have thoroughly discussed it with the chairman of the Senate Committee on Armed Services.

For almost 16 years in the House of Representatives—6 of those years as chairman of a House committee—I learned something about dealing with bureaucrats. The way to get a bureaucrat to move is to make it so uncomfortable that it is easier to move than not to move. The way to get action is to make it so onerous not to go forward that going forward is less painful than sitting still.

I believe that if we establish a committee for the specific purpose of holding the feet of administration officials to the fire, day by day we can force this reorganization. We can make them go forward because we will make it more

painful for them not to move than to move, and thereby we will get action.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ENGLE. Permit me to conclude, and then I shall be glad to yield.

It will be recalled that the Committee on Foreign Relations conducted a full-scale study of the foreign aid program during the last Congress. I believe in the principle of foreign aid, and I am sure this study was constructive and helpful. I believe even more in a sound national defense, and I point out that while the foreign aid program has been running under \$4 billion a year, we are spending around \$40 billion a year on our Military Establishment.

With the abundant evidence in front of us pointing to urgent need for better defense organization—and I have given only a few examples today—I believe that a thoroughgoing study such as I have suggested is even more important than was the one on foreign aid. Having made such a study, we should then be in a position—as General Taylor suggested—to determine the building blocks which should go into our national strategy and determine the kinds of military forces which are appropriate to the changed conditions which have made some of our defense concepts and organization obsolete.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield.

Mr. SCOTT. I regret that I did not hear the beginning of the remarks of the distinguished junior Senator from California. Do I correctly understand that he is proposing a reorganization of the Department of Defense?

Mr. ENGLE. Yes.

Mr. SCOTT. Then I am wondering, since we are hopefully at the end of the session, why this was not done at the beginning of the session, when there might have been some chance to enact some legislation. Since the Senator's party is in control of Congress by a two-thirds majority in each House, I wonder what the purpose is to propose the reorganization of the Department of Defense by the executive in the dying days of the session. If the Senator really wants legislation, why was it not proposed earlier?

Mr. ENGLE. I do not expect to have the reorganization done between now and Labor Day.

Mr. SCOTT. I was under the impression the Senator did.

Mr. ENGLE. Oh, I have no such intention at all. I think it will take at least 5 years to accomplish a reorganization, if it can be done in that time. That kind of time schedule has been suggested.

I am sorry the Senator from Pennsylvania was not on the floor to hear the program I have laid out, and in which I suggested the establishment in the Committee on Armed Services of a subcommittee—and, of course, it would be a bipartisan committee—to undertake to study the specific steps which would make this proposal possible.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. JOHNSTON of South Carolina. I notice the Senator from California said 5 years. I think he should correct that statement a little. It might be done in the next 2 or 3 years, when we have a new administration, as the Senator brought out in his speech a few minutes ago. We might be able to build up such a record that when there is another administration, the reorganization could be done immediately. Is not that true?

Mr. ENGLE. I hope we shall have a more aggressive action in the administration with reference to this necessary step. I recall that the distinguished Senator from Kentucky [Mr. COOPER], in a television program the other day, called upon the President of the United States, who has been a distinguished general, to take such action. Certainly the President understands, probably better than anyone else, as my speech has indicated, the importance of this particular subject. I call upon the President to take some further steps in this field in the next year, before he leaves office. I hope the President will do so.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. SYMINGTON. I congratulate the Senator from California for mentioning the recommendation of the able senior Senator from Kentucky [Mr. COOPER]. The Senator from Kentucky was a member of the Committee on Armed Services when I first came to the Senate. He was a constructive, able member of that committee. I am sorry he did not see fit to serve on the committee when he returned to the Senate, and have so told him.

Since 1945, beginning with the original Woodrum-Wadsworth committee, and then the Richardson committee, to which I have already referred, we have been attempting year by year, to get further unification of the services. Those of us who believe we should have "administration" in the Department of Defense have always been defeated by those who believe in "coordination." We are paying the gigantic bill for that coordination thinking, millions of dollars a day. In 1949, 1953, and 1958, we made some more effort to correct the situation, but we have never approached the heart of the problem.

I worked hard on the Senate floor for further unification as expressed in the Reorganization Act of 1958, and deeply appreciate a letter from the President because of my work to that end.

Nevertheless, when we see the troubles which are breaking out all over the world, it seems even important that we should have the type and character of service unification which this morning the distinguished Senator from California has recommended to the Senate and the people of the United States. I think his talk is one of the most important addresses I have heard in the Senate since it has been my privilege to be a Member of this body.

Mr. ENGLE. I appreciate the kindness of the Senator from Missouri, especially his being present this morning to contribute, from his wide knowledge and very distinguished record in

this field, to the discussion we have had today.

I now yield to the Senator from Pennsylvania.

Mr. SCOTT. As a concluding comment, I am sure that few people have been more earnest or diligent in their desire to get the very best out of the armed services than have the junior Senator from California and the junior Senator from Missouri. For what they have done, I am certain all Members of Congress are grateful.

But I conclude with the expression of a wonder I have repeatedly entertained before. The Senator's party has been in control of Congress for 26 out of the last 30 years. In only 2 years out of the last 30 years has my party been in control of the Presidency and of Congress. Again the question recurs, if what the Senator is proposing is so important, if the changes he is suggesting ought to be made, if the defense of the country cries for the strengthening or the reorganization of the Military Establishment, then why, in the name of all that is holy, has not the Senator's party, in 26 years, really done something about it, except to talk about it? On that note, I shall conclude, hoping to be recognized in a moment for the purpose of suggesting a correction of the RECORD.

Mr. ENGLE. Mr. President, one final word; then I shall yield the floor, because other Senators desire to speak.

In my opinion, the matter of defense reorganization and the security of the Nation should not be regarded and treated as a partisan matter. If I wanted to make a partisan response to the Senator from Pennsylvania, I could certainly do so. I could point out that this administration has been in power for 6½ years or more; that a general is in the White House; that he has promised to reorganize the Department of Defense and clean up the mess in the Pentagon; and that he has not done so.

There is much to be said in a partisan argument on this subject; but I was very careful, I may say to the Senator from Pennsylvania, to try to keep this discussion off the partisan level and on a bipartisan level, with a view to doing something constructive in this field.

CIVIL RIGHTS

During the delivery of Mr. ENGLE's speech on defense,

Mr. HENNINGS. Mr. President, will the distinguished Senator from California yield to me for a very brief statement, provided he does not lose the floor, and with the further provision, for which I ask unanimous consent, that my statement may appear at the conclusion of the remarks of the distinguished Senator from California?

Mr. ENGLE. I am delighted to yield to my friend for that purpose.

Mr. HENNINGS. I thank the Senator for his generosity.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HENNINGS. Mr. President, considerable concern has been expressed in many quarters about the length of the

present session of Congress and whether there remains enough time for action on legislation to preserve and protect the constitutional freedoms and liberties of all the people of our great country.

Of course, I am in no better position than anyone else to estimate just how much longer we will be in session here in Washington. As chairman of the subcommittee which conducted months of hearings and heard numerous witnesses on the subjects of individual rights and guarantees, I do presume to say that I can speak with some measure of authority on the possibility of rights legislation being approved this year by the Senate.

I sincerely believe, Mr. President, that the Senate of the United States will have this year the opportunity to act on so-called civil rights legislation, and I do not believe I am engaging in wishful thinking or idle guesswork when I say this.

I might say, Mr. President, that I have discussed the matter with the distinguished majority leader several times in recent weeks and often in the months prior to this. The distinguished majority leader has given me assurance of his cooperation, and I in turn have given him assurance of mine. The Senator from Texas [Mr. JOHNSON] has said, just as he has stated to the entire Senate and to the public, that he proposes to bring civil rights legislation before the Senate prior to adjournment. The majority leader, as we all know, is a man who means what he says, and he does not speak lightly. I firmly believe that the Senate will vote this year on such legislation.

With the support of a number of other Senators, including the distinguished occupant of the chair, the Senator from Pennsylvania [Mr. CLARK], my distinguished colleague from my own State [Mr. SYMINGTON], the distinguished Senator from California [Mr. ENGLE], the distinguished Senator from Wisconsin [Mr. WILEY] and other Senators, I have undertaken to construct what we might call a comprehensive series of amendments which will sustain and strengthen the individual freedoms of all Americans. This so-called package is the pending business before the Committee on the Judiciary.

As a member of that committee, having been present at a number of meetings when the committee has discussed the proposed legislation, I have come reluctantly to the deliberate conclusion there is no hope at all that my proposed amendments or any other rights legislation will be reported by the committee.

These same amendments, however, are before the Senate, Mr. President, in the form of amendments which I, with the support of a number of other Senators, have submitted. These amendments have been printed as amendments "8-17-59-J," as a convenience for all Members of the Senate.

I intend to propose these amendments to proposed legislation being considered by the Senate. I intend to do so at an appropriate time and I intend to do so this year.

I say at an appropriate time, because I believe it certainly devolves upon us to cooperate with the program of scheduling of consideration of proposed legislation which the policy committee of the majority party has been working on, and which has been to some extent already outlined.

This, of course, is a direct method of taking proposed legislation to the Senate itself when there is no hope that a bill will be forthcoming from a committee. I initiated this course of action. Since doing so, others have spoken of following the same procedure. This procedure obviates three debates which could occur in reaching a bill through the motion to discharge the committee—offered by the distinguished senior Senator from New York [Mr. JAVITS] a day or two ago, (a) debate on the motion to take up the resolution from the calendar to discharge the committee; (b) debate on the resolution; (c) debate on taking up the bill; and (d) debate on the bill, which needs to be strengthened with provisions in the group of amendments I intend to offer.

My course of action is designed to bring rights legislation before the Senate. I have every intention of adhering to it, so that Senators will not leave Washington without having had the opportunity to consider what many of us believe to be vital, important, and indispensable work to be engaged upon before the Senate adjourns.

I thank my distinguished friend from California.

THE DOMINICAN REPUBLIC

Mr. JOHNSTON of South Carolina. Mr. President, I call the attention of the Senate to an article entitled "Dominican Republic: An Analysis," published in the News and Courier, of Charleston, S.C., of August 20, 1959. The subtitle reads: "Trujillo's Nation Is Police State but Has Virtues."

This editorial writer, Anthony Harrigan, visited the Dominican Republic to study the situation in that island dictatorship.

I wish to read a few paragraphs from the article. The writer states:

Rafael Trujillo served as an officer of the constabulary formed by the U.S. Marines.

I myself did not realize that.

He came to power in 1930, and has held absolute sway over the country since that year.

The modernization of the country is evident to anyone who flies over it or visits the capital city for even a few hours. Wielding dictatorial powers, Trujillo has performed remarkable feats of modernization, which are in sharp contrast to material conditions in Haiti. Whether these material gains are worth the sacrifice in liberty is for the Dominicans to decide. Their failure to rebel against Trujillo would indicate that they either have no passion for liberty or prefer order under dictatorship to the threat of disorder under democracy.

Another fact that must be taken into account is that the Dominican Republic buys a lot of American goods, keeps its financial house in good order, and is opposed to the Soviet form of authoritarian rule.

Americans, of course, would prefer to see all nations value personal liberty and refrain

from oppressive acts. But the United States cannot make other peoples love liberty and hate tyranny.

Mr. President, I ask unanimous consent that the entire article be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOMINICAN REPUBLIC: AN ANALYSIS—TRUJILLO'S NATION IS POLICE STATE—BUT HAS VIRTUES

(EDITOR'S NOTE.—This is another in a series of articles by the associate editor of the News and Courier, now on a tour of the Caribbean.)

(By Anthony Harrigan)

CIUDAD TRUJILLO.—Arriving at an unemotional conclusion regarding the Dominican Republic is a hard but necessary task for an American newsmen.

U.S. citizens, steeped in the ways of democracy and accustomed to personal liberty, encounter an authoritarian government in the Dominican Republic. In less polite language, the Dominican Republic is a police state.

A brochure distributed by the Dominican Director General of Tourism lists the National Palace, seat of the government, under the heading "What To See in Ciudad Trujillo."

Trusting this advice, I walked to the street fronting on the handsome government building, which is set back far from the pavement behind a high fence.

I no sooner put one foot on the sidewalk opposite the gate than a steel-helmeted guard ordered me to halt. He demanded my papers, and directed me to stand alongside a wall. The guard, a corporal, summoned a tall, imperious-looking officer who studied my papers for approximately a quarter of an hour.

Finally, the officer crossed to where I was waiting and ordered me to walk back down the street by which I had approached the palace.

This was a minor incident but indicative of the atmosphere in Ciudad Trujillo. Grim-faced police stand guard at every corner. Armored cars, equipped with machineguns, can be seen behind the gates of police stations.

Another reminder of the authoritarian state is the radio in my room at El Embajador, the magnificent modern hotel overlooking the sea (which, by the way, is deserted except for a handful of guests).

One cannot tune this radio to any station within range. There are five dial positions—all of them local stations—and one has a choice of listening to anti-Castro news reports or popular music. The visitor also has the opportunity to read any Spanish-language newspaper he wants, providing it is *El Caribe*, the Ciudad Trujillo daily.

Having said that Ciudad Trujillo's atmosphere is distasteful to Americans who value liberty and desire freedom of movement in foreign countries, the other side of the picture should be presented.

Historical perspective is needed to understand this nation.

The Dominican Republic, formerly called Santo Domingo, occupies the eastern half of the island of Hispaniola. Haiti occupies the western half, and faces Cuba across the Windward Passage.

Since this city was founded by Bartolome Columbus, brother of the discoverer, in 1496, it has had a bloody history. Massacres, earthquakes, hurricanes, and pirate raids form the history of this tragic land. The black rebels of Haiti also almost exterminated the white population of the island in the early 19th century. Prominent Santo Domingans fled the country, among them

the governor of the island who is buried in the churchyard of St. Denis Church on the Wando River near Cainho, S.C.

Finally, in 1916, the U.S. Navy established a military government for the country, which lasted until 1924. Rafael Trujillo served as an officer of the constabulary formed by the U.S. Marines. He came to power in 1930, and has held absolute sway over the country since that year.

The modernization of the country is evident to anyone who flies over it or visits the capital city for even a few hours. Welding dictatorial powers, Trujillo has performed remarkable feats of modernization, which are in sharp contrast to material conditions in Haiti. Whether these material gains are worth the sacrifice in liberty is for the Dominicans to decide. Their failure to rebel against Trujillo would indicate that they either have no passion for liberty or prefer order under dictatorship to the threat of disorder under democracy.

Another fact that must be taken into account is that the Dominican Republic buys a lot of American goods, keeps its financial house in good order, and is opposed to the Soviet form of authoritarian rule.

Americans, of course, would prefer to see all nations who value personal liberty and refrain from oppressive acts. But the United States cannot make other peoples love liberty and hate tyranny.

After having experienced the atmosphere of this country under the Trujillo rule, I conclude that we should be neither pro- nor anti-Trujillo. We should not embrace the Dominican Government. Neither should we seek its destruction.

In the case of Trujillo's Dominican Republic, as in the case of Castro's Cuba, we should demand no more and no less than that U.S. citizens and business interests receive fair treatment and that our country's need to protect itself against Soviet aggression be respected.

NEW YORK DEMANDS EXTRAORDINARY ACTION FOR THE MAINTENANCE OF LAW AND ORDER

Mr. JOHNSTON of South Carolina. Mr. President, I wish to bring to the attention of the Senate an editorial entitled "Extraordinary Action—Now," which was published in the New York Journal-American of Tuesday, August 25, 1959.

The editorial, which deals with the crime and corruption that have resulted in the world's largest city, because of forced racial mixing, is one of the strongest I have seen. It refers to the problems of New York City, and points out that things in that integrated city have gotten so bad that the police commissioner has been urged by leading citizens to utilize 2,500 civil defense volunteers, to help enforce law and order. Also suggested to the police commissioner of New York has been the use as auxiliary police of a selected number of taxi drivers.

Mr. President, any city, in any State or in any country, that has reached so low a point in morality, law, and order that people must think in terms of a sort of vigilante enforcement of the law, and must look beyond police enforcement for a solution of its problems, should consider what has caused such an appalling condition. No matter how many police are hired, unless the root of the trouble is eliminated, the problem will continue to grow.

In this instance, Mr. President, I believe the city of New York should look

back to its adoption of civil rights rules and regulations which forced integration upon the people of New York City. I believe it will find that action was the root of the problem; and I believe that a movement back toward tolerance of segregation, when it is desired, will be of great help.

Similarly, I plead with the Members of this body who are trying to force civil rights upon unwilling people in parts of the Nation which those Senators do not represent, to leave this issue alone, and let our people remain in peace.

Mr. President, I ask unanimous consent to have this very brief editorial printed in the RECORD, following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXTRAORDINARY ACTION—NOW

The appalling new eruption of teenage gang warfare on the Lower East Side Sunday night is irrefutable evidence that New York City's regular crime controls are no longer adequate to maintain law and order.

Three years ago, society mobilized its every normal resource in the racially mixed neighborhood to effect a truce between rival factions of young hoodlums. Extra police were thrown into the area. The Youth Board organized a club. The clergy, local merchants, and regular citizens all pitched in to pamper and make every conceivable compromise.

It was not enough. On Sunday night the seething hatreds and lust for violence exploded in raw terror, with roving packs of delinquents hunting each other with guns and knives. A 15-year-old girl was shot dead. A young man walking with his wife was stabbed in the back. An 11-year-old boy riding a bicycle was shot in the face and four other youths were wounded.

It was a breakdown of law and order which verged for hours on anarchy—an anarchy made doubly significant by the civic efforts which for 3 years had done everything to prevent it.

For more than a decade, the problem of crime in New York City has been mounting in wave after wave of viciousness. Hardly a day passes without new acts of horror occurring. Our jails are packed far beyond safe maximums. There are vast areas of our streets and parks which are no longer safe after dark.

When a society is confronted with an extraordinary problem, extraordinary measures must be taken in self-defense. The streets of New York City must be made safe. And since the ordinary crime controls no longer can guarantee protection from murderers, muggers, holdup men, and juvenile terrorists, the time for extraordinary action is now.

Only hours after the bloody violence on the lower East Side Sunday night, Supreme Court Justice Samuel Hofstadter made an unprecedented appeal to Governor Rockefeller to take extraordinary measures to end what he called the appalling, frightening increase of murder day by day.

He called for swift trial and punishment for killers, declaring that homicide cases could be disposed of in weeks instead of years if legal machinery were speeded. Acquittals on pleas of insanity, he recommended, should be followed by mandatory confinement in a mental institution.

"A wild beast who preys on humans must be destroyed expeditiously," the judge said, "and a mad dog must be leashed quickly and held in confinement."

We congratulate Justice Hofstadter on his position and back him completely. But the

problem, essentially, is one of crime control and crime control is a problem of policing.

New York City needs more police. Since more police are impossible without higher taxes, and we have enough of those now, the ranks of the regular police must be swelled by some kind of a home guard.

We have urged editorially that Police Commissioner Kennedy consider making more effective use of the readymade force of 2,500 trained civil defense volunteers. We have urged that he consider arming a select number of taxi drivers with good war records as auxiliary taxi cops. We appeal to him again today to tap these reservoirs of manpower, and we say that the time has come for him to tell his regular men to get really tough.

To Mayor Wagner and to the city council we say also that the time has come for them to give immediate consideration to establishment of an after-dark curfew on teenagers in dangerous areas.

And to both Mayor Wagner and Police Commissioner Kennedy we suggest as strongly as possible that they do not underestimate the public concern over crime.

New York City demands that its streets be made safe. Its people demand extraordinary action—now.

Mr. JAVITS. Mr. President, I respectfully ask the senior Senator from South Carolina to give his attention to the brief statement I shall make at this time:

Quite a concerted effort is being made by various Senators, including the Senator from South Carolina [Mr. JOHNSTON], to call attention, in a dramatic way, to the troubles with law enforcement of New York City, which are real, and are pertinent for consideration and action, and to lay the responsibility for them to the efforts we in New York have made to afford, by law and otherwise, equal opportunity to all people, regardless of color or race.

We are delighted to receive any stimulus which any Senator may wish to give us as regards law enforcement. But I assure the Senator from South Carolina that he will never get the clock turned back in New York City—as I think the clock is being turned back in certain parts of the South and perhaps in other parts of the country—as regards the question of equal rights for all the people and equal opportunity befitting the dignity of all men, regardless of their race or color.

Our city of New York is firmly back of the principle of equal treatment and equal opportunity for all its citizens treating them all as of one class; and we believe that in that way, and in no other way, can proper progress be made for a secure and just society here.

OPENING OF U.S. CONSULATE IN POZNAN, POLAND

Mr. AIKEN. Mr. President, on August 25, the State Department issued the following release:

OPENING OF U.S. CONSULATE IN POZNAN, POLAND

Under an agreement with the Polish Government reached last year, the United States will reopen its consulate at Poznan, Poland, on August 29, 1959. The Polish Government is expected to reopen its consulate in Chicago in the near future.

In this morning's newspapers, we read that the United States is going to carry

on an airlift to take small arms to Laos, in the interior of Asia.

Mr. President, without deprecating in any way the shipment of small arms to Laos, I venture the opinion that the re-opening, on tomorrow, August 29, of the U.S. consulate at Poznan, Poland, and the reestablishment of closer relationship with the people of Poland, undoubtedly will be more effective in combating international communism than will the shipment of small arms to Laos.

RESCISSION OF ALL OTHER APPROPRIATIONS TO AID HIGHWAY PROGRAM IS UNWISE PROCEDURE

Mr. NEUBERGER. Mr. President, earlier this week, the capable junior Senator from Tennessee [Mr. GORE] introduced a bill to provide for supplemental financing of the Federal highway program by recession of 1 percent of all appropriations approved for the fiscal year 1960, with certain stated exceptions. The bill, S. 2588, provides that there be dedicated to the highway trust fund such portion of the revenue from excise taxes on automobiles as may equal the total amount of such rescission.

In short, the proposal is that we finance the Federal highway program by reducing funds already approved for other Federal functions.

Mr. President, I oppose this suggestion. My reasons are these:

First. The inference of this extraordinary proposal is that the judgment of Congress in approving the original appropriations was faulty, and that a 1-percent cut can be made with complete impunity.

The assumption is, apparently, that Congress was 1 percent too high in its decision with respect to allocation of Federal funds to each Government function and that, recognizing this fact, Congress may now correct this error of overgenerosity by withdrawing and redistributing these moneys.

It seems to me that this suggestion makes a mockery of the lengthy and detailed appropriation procedure which Congress follows in determining the amount of funds which particular programs will receive.

If the elaborate and time-sanctioned justification process imposed upon the executive branch is meaningful, then it is difficult to see how Congress can suddenly conclude that sums considered a few weeks ago minimal to accomplish assigned governmental purposes are now excessive, and can be safely trimmed.

SHALL ROADS BE MORE IMPORTANT THAN HUMAN HEALTH?

Are we going to take funds from cancer research, and apply them to roads?

What of grants for old-age assistance?

Will we reduce the money available for promoting the training of nurses, or for conserving our forests, or for protecting wildlife? Are all of these to be docked 1 percent?

What of funds for the development of intercontinental missiles—a field in which many believe we are now lagging

far behind the Soviet Union? Shall we take funds from this program, without even the benefit of a hearing before the Armed Services Committee, to attempt to assess the significance, in terms of national security of such a move?

If we have appropriated 1 percent too much for any particular Federal function, then the Appropriations Committee should so advise us; and the surplus amount should be rescinded, and should be restored to the Treasury.

But to arbitrarily reduce appropriations by a fixed percentage, without House or Senate committee hearings or review, would be to reduce to a nullity the orderly procedures of government.

If we can reduce appropriations by 1 percent, then it would not be far-fetched for the public to conclude that perhaps we are groping totally in the dark, and may be appropriating 5 percent, or even 10 percent, in excess of minimum needs. I refuse to believe that such an implied attack on the accuracy of the Appropriations Committee's conclusions is justified.

Nor can one argue logically, Mr. President, that the frame of reference within which appropriations were considered earlier this year has significantly altered, so as to make it necessary to redistribute present Federal resources and channel an increased segment of them into the Highway Trust Fund.

The situation with regard to highways which we face today is the same as the one we faced last January, when the congressional appropriation process for the fiscal year 1960 began. We confront, not a new crisis in the Federal road program, but a continuing one.

WHICH AGENCIES WILL BEAR THE 1 PERCENT REDUCTION?

Second. S. 2588 proposes that the 1-percent rescission shall not apply—to the extent that the President determines that the amount appropriated cannot be reduced—to any appropriation made for: (a) Compensation and pensions payable under the laws administered by the Veterans' Administration; (b) obligations payable from the highway trust fund; (c) refunds of overpayments of taxes, customs duties, and other amounts paid to the United States; (d) interest on the public debt; and (e) any other obligation of the United States the fulfillment of which is both authorized and directed by act of Congress.

Mr. President, the bill names four specific and one general exception to the rescission language. The latter is so broad that I doubt if even the legal eagles of the Bureau of the Budget currently comprehended its full significance. Would it apply to Federal aid to dependent children? Does it cover postal receipts which are appropriated? What about price-support payments for peanuts? What about soldiers' pay?

And if the exceptions are designed only to protect appropriations automatically guaranteed by statute, is this a reasonable distinction? Are funds for impacted schools more important than those for cancer research? Are tobacco prices more essential than development of our forest-access roads?

Furthermore, what happens with respect to programs included within particular appropriation acts? Would the Department of Defense suffer a 1-percent cut across the board? Or would particular programs within the Department be slashed and others left untouched? If so, what would happen to the military spending program outlined by Congress through the appropriation process?

Would the budget for the Agricultural Research Service be reduced and not that for the Agricultural Marketing Service? Or would neither be cut and a slash taken in the Foreign Agricultural Service and Public Law 480? Or would all suffer a 1-percent reduction? What of the conservation activities of the Forest Service, National Park Service, and Soil Conservation Service? How much of the cut would they sustain?

PROPOSAL LEAVES NEBULOUS PRECISE SUMS INVOLVED

Third. The financial impact of the proposal contained in S. 2588 is extremely hazy. The amount of money which would be channeled to the highway trust fund is nebulous. And it cannot be known with exactitude until after the close of the fiscal year. We would be groping in the night.

The general exception clause is vague. It is not apparent how much money would be allocated to highways as a result of passage of S. 2588. Power to determine the amount would lie with the President, not Congress.

Language of S. 2588 suggests that the President determine the extent to which a particular appropriation included among the exceptions may be reduced by 1 percent.

But when would this be known?

For instance, the amount of money needed to fulfill Federal financial responsibility for grants to States for unemployment compensations and employment service administration is computed on the basis of projected unemployment. Such predictions are, of course, seldom infallible. It may not be apparent until almost the end of the fiscal year as to whether or not appropriated funds will be adequate. Should need be greater than anticipated, a supplemental appropriation may be requested. Similar situations exist with respect to numerous programs. To cut such programs now may merely mean a larger supplemental later. This is not financing; it is sleight of hand.

Fourth. Enactment of S. 2588 would establish a precedent. In my opinion it would be a poor precedent, a very unwise precedent.

If we slash a major portion of the budget 1 percent in order to divert this sum to highways, why not slash another 1 percent to care for other important programs?

Many of us from the West believe that our waterpower projects have been starved under this administration. Why should we not band together after the general appropriation process has been completed and move to dock every money

bill 1 percent to help impound the Columbia's waters?

And what of Senators from the great eastern cities who find that present Federal urban renewal activities are inadequate in the face of need? Would not they have a right to their 1 percent?

PERILOUS PRECEDENT MIGHT BE ESTABLISHED BY BILL

Mr. President, for these reasons I regard the proposal embodied in S. 2588 as an unwise one. It defies the rule of reason.

I have urged, on several occasions, funds needed to keep the Federal highway program on schedule be obtained from an increase in the gasoline tax. I have introduced legislation which would provide for a temporary increase of 1½ cents in the tax on motor vehicle fuel to cover costs until Congress has an opportunity to assess the user studies and cost figures which will become available in 1961, as the result of special studies now under way.

Mr. President, what is inherently wrong with increasing the gasoline tax?

Some have suggested that the gas tax should be left to the States. But the Federal Government has had a gasoline tax for many years. If the States are agreeable to the Federal Government paying 90 percent of the \$40 billion cost of the new Interstate Highway System, then can these same States reasonably object to the Federal Government's increasing its share of gasoline revenues?

Congress approved the gasoline tax as a major part of the financing provisions of the Highway Act of 1956. If a 3-cent Federal gasoline tax was proper then, is a 4-cent or a 4½-cent tax to be so deplored now, particularly in view of price inflation which has occurred in the interim?

The eminent Senator from Tennessee has objected to increasing the gasoline tax because, he contends, all Federal excises on autos and trucks and buses do not go directly into the highway trust fund. He is correct in his claim.

But what is there which makes doctrine of the claim that excises from a certain source must all be allocated toward matters related to this source?

Do the 10-percent excise revenues from sale of light bulbs go toward hydroelectric projects?

WHY NOT ALLOCATE TOBACCO REVENUES TO CANCER RESEARCH?

Do the taxes collected from the sale of cigarettes go toward seeking the answer to cancer of the lung? Do the excise taxes collected on the sale of liquor go to the National Mental Health Institute, for research to help rehabilitate the Nation's 5 million victims of chronic alcoholism?

This might just as logically be advanced as the claim that all excise taxes on cars and trucks must go only into roadbuilding channels.

Mr. President, I respect the sincerity of the Senator from Tennessee in offering his proposal, but it is my belief that passage of S. 2588 would not be desirable.

I think we might better look to an increase in the gasoline tax than to accept the rescission scheme.

I am aware that taxes are rarely popular. Yet the American people are wise and they know that freedom cannot be defended, nor roads built, without sacrifices. If we dock missiles, cancer research, and protection of fish and wildlife 1 percent, or more, to pave highways, we have gained very little and we may have lost a great deal. I have been proposing since March 4 an increase in the gasoline tax from 3 cents to 4½ cents, as recommended by President Eisenhower. Reaction to my bill for this increase has been favorable, if my mail is to be given credence. People would rather pay for our highways now than shove off this burden onto future generations, who will have plenty of problems of their own as Russia and Red China emerge from peasantry and become industrial nations, with the capacity to produce modern weapons and other products of technology.

I do not think we will even be doing our interstate highway program a service, in the long run, if we announce that every other Government program must be sacrificed, meat-axed, and pared down so that roads can be built. Such a plan will not only make a mockery of the appropriation process, but it will result in lasting antagonism against the future of the highway program which might require years to dissipate.

With his characteristic zeal and ingenuity, the able Senator from Tennessee [Mr. GORE] has advanced an interesting and tempting proposal. Yet I honestly and regretfully believe that it would not be wise for us of the Senate to adopt it at this time.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. NEUBERGER. I will yield in a moment.

I regret very much that the distinguished Senator from Tennessee [Mr. GORE] was not able to be present today to hear my discussion in opposition to his very ingenious proposal. We informed his office of my intention to deliver these remarks, but they informed us that unfortunately the Senator was out of the city on official business. I know that when he returns he will undoubtedly reply to my remarks with his characteristically good temper, ability, and very profound intelligence.

I am happy to yield now to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I should like to commend my good friend from Oregon for a thoughtful discussion of a very puzzling and difficult problem. I should like to associate myself with his view that it would be unwise to provide the funds for going forward with the highway program by cutting appropriations by any particular percentage, for the reasons given by the Senator from Oregon.

I would say to him also that when the gasoline tax measure was on the floor of the Senate at an earlier date, I voted for it; and I would vote for it again if we were faced with the dire choice of no highway program or an increase in gasoline taxes. But I desire to ask the Senator a question. He believes, I think, that it is wise to have the highway pro-

gram on a pay-as-you-go basis. Is that correct?

Mr. NEUBERGER. That is correct.

Mr. CLARK. The Senator therefore feels, does he not, that there ought to be earmarked for the highway program revenues adequate to permit the program to go forward? Does the Senator agree?

Mr. NEUBERGER. I think we ought to collect enough revenues to keep the program on a pay-as-you-go basis. I do not know that I necessarily feel the funds must be earmarked in some special account.

Mr. CLARK. Is it the view of the Senator that the President's original proposal with regard to the trust fund, which is now a part of the law, is unwise?

Mr. NEUBERGER. My general feeling is in opposition to the earmarking of funds. I think that, as a general proposition of government, is unwise. My view is that we should collect enough revenues to pay for all our governmental needs, but I am not certain I favor special funds earmarked for different special purposes.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. NEUBERGER. I yield.

Mr. CLARK. I tend to agree with my friend from Oregon in that regard, but we are now stuck with the trust fund by reason of previous legislation.

Mr. NEUBERGER. That is correct. We face a condition, rather than a theory.

Mr. CLARK. The Senator is correct. This is a condition we face.

We have a situation in Pennsylvania where the automobile clubs, the automobile manufacturers and the truckers, have succeeded in their attempt to have earmarked special funds. I wish that had not been done, but it has been done, and we are stuck with it.

I am sure my friend from Oregon would agree that a gasoline tax is a regressive tax, not a progressive tax. I am sure the Senator would agree we would reluctantly impose further regressive taxes on top of State regressive taxes on the same subject.

As I pointed out a short while ago, nonetheless I voted for the tax, when it came before the Senate at an earlier time.

Let me ask the Senator a question. Why would not the proper way to handle this situation be to transfer to the highway trust fund enough of the excise taxes now being collected from motor vehicles and other activities closely identified with highways, and to make up for the deficit thus created in the general revenues by closing some of the outrageous tax loopholes with which my friend is very familiar? I can list three which I think would provide sufficient revenues. First, we should adopt again the amendment of the Senator from Minnesota [Mr. McCARTHY] to eliminate the 4-percent dividend credit. Second, we should adopt the suggestion of the Senator from Wisconsin [Mr. PROXMIER] and collect the tax on dividends at the source. Third, if more money is needed, why should the oil companies not make

some contribution to the highway program, by reducing the oil depletion allowance from 27½ percent to 20 percent, and putting the extra tax revenues in the highway fund?

Mr. NEUBERGER. I thank the Senator for his questions. To begin with, I think the Senator from Pennsylvania and I voted together on the elimination of all the tax loopholes which the Senator has cited. I refer to the proposal of the Senator from Minnesota [Mr. McCARTHY] regarding dividends; the proposal of the Senator from Wisconsin [Mr. PROXMIER]; and the oil-depletion allowance diminution proposed by the Senator from Pennsylvania [Mr. CLARK] and by the able Senator from Illinois [Mr. DOUGLAS] who is with us on the floor.

However, we must face the fact that the Senate—we think unwisely—rejected our proposals, or else they were eliminated in conference.

Mr. CLARK. If the Senator would yield further, previously those items were not considered under the same pressures they will have to be now considered, with reference to keeping the highway program going.

Mr. NEUBERGER. I would be perfectly willing to see the anti-tax-loophole provisions offered again. I would support them if they should reach the Senate floor. I hope that they will.

So long as we are confronted with the evident fact that a highway excise tax taken from the general fund would leave a hole in the general fund I would oppose it, because to follow that procedure in the existing circumstances would be to rob Peter to pay Paul. It would be much like a family taking the grocery money to pay the doctor's bill.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. NEUBERGER. I yield.

Mr. CLARK. The Senator would not be of that view would he, if the two items were coupled together so that the transfer of the excise taxes to the highway fund would be contingent upon the closing of the tax loopholes, to refurbish the general treasury?

Mr. NEUBERGER. If the transfer of the excise taxes were coupled with sufficient anti-tax-loophole provisions, which the Senator from Pennsylvania has mentioned, so that there would be sufficient funds to make up for the gap or schism left in the general fund of the Treasury as a result of transferring the excise taxes, I would support it.

Mr. CLARK. I thank the Senator. That is my proposal.

Mr. NEUBERGER. However, I should like to say that so long as the taking out of the excise taxes would merely leave a big hole in the general fund, I think we would be accomplishing absolutely nothing.

Mr. CLARK. I am in complete accord with my friend from Oregon.

Mr. NEUBERGER. I thank the Senator from Pennsylvania.

Mr. President—

The PRESIDING OFFICER. The Senator from Oregon has the floor.

FIFTY-FIRST BIRTHDAY OF SENATOR JOHNSON OF TEXAS

Mr. NEUBERGER. Mr. President, I regret very much I was not present on the Senate floor yesterday when tributes were paid to the majority leader on his 51st birthday. I would have appreciated the privilege of being able to take part.

I wish to say about the majority leader that, in the broadest terms of human chronicles, I imagine very few things we have done will endure in history. Yet I believe the Senator from Texas [Mr. JOHNSON] will get credit in our American history for the fact that he was majority leader of the Senate when we brought into the Union two new States, Alaska and Hawaii. In my opinion, these are two outstanding achievements which have been accomplished in recent years.

I think these are very significant achievements, in view of the fact that some of the opponents of civil rights opposed the entrance of both Hawaii and Alaska into the Union, particularly because of the large population in Hawaii of Polynesian and Asiatic origin. I feel it has been a great accomplishment in terms of democracy and freedom, particularly when we consider the fact that the majority leader comes from Texas, a State which has been involved emotionally in the civil-rights struggle, whereas in the very recent earlier years we had majority leaders from States such as Ohio and California, which are on quite the opposite side of the civil-rights struggle. Yet under those majority leaders we did not take either Hawaii or Alaska into the Union.

Hawaii and Alaska are the first new States since 1912, which was before I was born. I fervently feel the admission of these States is an achievement of which the majority leader may be proud, not only on his 51st birthday but on all the many future birthdays which we trust he will enjoy.

HIGH SPEED PHOTOGRAPHY

Mr. MAGNUSON. Mr. President, the forthcoming Fifth International Congress on High Speed Photography will be held at Washington, D.C., in October 1960. The congress is sponsored by the Society of Motion Picture and Television Engineers.

This congress has been preceded by similar meetings in Washington in 1952, Paris in 1954, London in 1956, and Cologne in 1958. Previous congresses abroad have been endorsed and assisted by the government of the country in which they were held. Therefore it is fitting that we do all we can to encourage this valuable scientific congress. By means of a joint resolution, we can welcome our international visitors and support our Society of Motion Picture and Television Engineers.

I ask unanimous consent that a joint resolution and statement be printed in the RECORD, to explain the purpose of this congress and the importance of high-speed photography in this age of automation and space travel.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

PROPOSED JOINT RESOLUTION TO ENDORSE THE FIFTH INTERNATIONAL CONGRESS ON HIGH-SPEED PHOTOGRAPHY TO BE HELD IN WASHINGTON, D.C., IN OCTOBER 1960, UNDER THE SPONSORSHIP OF THE SOCIETY OF MOTION PICTURE AND TELEVISION ENGINEERS

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

IMPORTANCE OF HIGH-SPEED PHOTOGRAPHY

SECTION 1. Photographic techniques which can magnify the time scale of scientific phenomena are extremely important to the research and engineering activities of every nation.

HISTORY OF THE INTERNATIONAL CONGRESS ON HIGH-SPEED PHOTOGRAPHY

SEC. 2. The First International Congress on High-Speed Photography was held in Washington, D.C., in 1952. It was organized and conducted under the sponsorship of the Society of Motion Picture and Television Engineers. Subsequent meetings were held at 2-year intervals in Paris, France; London, England; and Cologne, Germany. In each instance these meetings have received the recognition and the support of the governments of the respective host countries. With each meeting, the International Congress on High-Speed Photography has grown in stature and in prestige.

The Society of Motion Picture and Television Engineers is once again sponsoring the International Congress on High-Speed Photography in Washington, D.C. This fifth congress will be held in October 1960. The Society of Motion Picture and Television Engineers is fully appreciative of the importance of assuring that this international scientific meeting is conducted in a manner which will bring credit and enhanced prestige to the United States of America as the host Nation.

PURPOSE OF THIS RESOLUTION

SEC. 3. The Congress, sincere in the belief that:

(1) The democratic environment of the free world is the best environment for achievement in science;

(2) Scientists and engineers have special advantages and opportunities to assist in achieving international understanding since the laws and concepts of science cross all national and ideological boundaries; and being interested in: (1) promoting international understanding and good will; (2) enhancing the excellence of American science, both basic and applied; (3) furthering international cooperation in science and technology by creating the necessary climate for effective interchange of ideas; does hereby endorse the Fifth International Congress on High-Speed Photography to be held in Washington, D.C., in October 1960 under the sponsorship of the Society of Motion Picture and Television Engineers, and urges that all interested agencies of the Federal Government actively participate to the fullest extent possible.

PEACETIME USES OF HIGH SPEED PHOTOGRAPHY

High speed photography covers a wide field of methods of either stopping action or slowing it down to where it may be carefully studied, measured, or chronologically analyzed. Basically, there are five types of high-speed cameras—motion picture, short duration exposure control, smear or streak, image dissection, and framing-sequence cameras. I will not endeavor to describe these, but will say that, with the correct selection of camera type and its precise

usage, these high speed photographic systems will give the scientist and engineer a tool that is extremely valuable in nearly all phases of our present day living.

The automobile we drive, the telephone we use, the tin can that holds our foodstuffs and even the girdle worn by women, reflect the industrial use of high speed photography. This use ranges from the very exacting study of the combustion of gasoline in the motor, the perfection of mass production machinery and resulting automation, to the skillful advertising of the three-way stretch. The automatic dial telephone required high speed photographic instrumentation for that study which resulted in the telephone's present day accuracy. As is so often the case in satisfying the needs of a specific study, a camera was designed that eventually became of worldwide importance. This is the story behind Bell Labs design of the Fastax camera some 23 years ago. Almost all of the high velocity mechanical action in precision equipment today has utilized, in some way, high speed photographic techniques.

Medical uses are not as prevalent, but scientists use high speed photography in the study of the heart, larynx, eardrum, muscular reaction, and body functions. High speed microphotography is used at the National Institute of Health for cancer studies, and we know of cases wherein ultra-high-speed equipment is required to formulate the techniques essential for the study of human reactions to explosive phenomena.

The field of aviation has grown up with high speed photographic techniques. Our antiquated propellers were perfected as a result of studies made possible by this research tool. Jet engines have been studied for motor burning characteristics, temperatures, and other parameters. All aircraft designers utilize nearly all of the types of systems in their studies of vibrations, air flow, motors, flight characteristics, and other mechanical, electrical, or aerodynamic features.

Simple high speed photography has even entered the field of sports. Our photo-finish cameras' study of golf swings to determine that the highest velocity of the club head has been reached at the time of impact, the curving of a baseball, and human or animal running styles have all been studied through this technique.

High speed photography has not only been a tool for fault finding in mechanical motion, but has been a most valuable tool in the field of research in explosive phenomena, dynamic characteristics of machine and nature, the chemistry of condensation and vaporization in volatile liquids, and the study of outer space. It seems since we are continuously finding new fields in which proven techniques have become applicable, that every field of science and engineering now has something to gain through the correct usage of high speed photography.

ELECTION OF SENATOR LISTER HILL TO HONORARY MEMBERSHIP IN THE AMERICAN DENTAL ASSOCIATION

Mr. FULBRIGHT. Mr. President, the distinguished senior Senator from Alabama [Mr. HILL] has long been one of the most effective and enlightened supporters of improved medical research and development in this country.

In recognition of his outstanding leadership, the American Dental Association unanimously elected the Senator from Alabama [Mr. HILL] an honorary member of the association. I know of no man who deserves such recognition more.

I ask unanimous consent that a copy of the statement of the board of trustees of the American Dental Association, nominating the Senator from Alabama for honorary membership in that organization, be printed at this point in the RECORD.

Mr. President, I also ask unanimous consent that the remarks of Dr. Alstadt of Arkansas, president of the association, made upon the occasion of the presentation of the certificate of honorary membership to the Senator from Alabama [Mr. HILL] be printed in the RECORD, together with the speech to the association by the Senator from Alabama.

There being no objection, the statement and remarks were ordered to be printed in the RECORD, as follows:

HONORARY MEMBERSHIP IN THE AMERICAN DENTAL ASSOCIATION FOR SENATOR HILL

It is particularly gratifying to the board of trustees, as it will be to all members of the association, that there is an opportunity to honor in person a man who took a leading part in obtaining funds for the construction of the National Institute of Dental Research Building, a man who has been a staunch supporter of all efforts to improve dental health and research and a man who has made an immeasurable contribution to the health of the American people—Senator LISTER HILL, the senior Senator from the State of Alabama.

Senator HILL, who is a native of Montgomery, Ala., is a member of the legal profession. He served in the House of Representatives from 1923 to 1939 when he was elected to the U.S. Senate. He has been reelected for four consecutive terms and the country is assured of his distinguished services until 1963.

Senator HILL is a statesman dedicated to the causes of health, perhaps, in part, because he himself is the son of a distinguished pioneer surgeon. He is chairman of the Senate Labor and Public Welfare Committee before which most health matters come. He is also the chairman of the Senate Appropriations Subcommittee which also considers matters in this field. His name is attached to the Hill-Burton Act which has helped tremendously in providing hospital facilities for the people of this country. He was the sponsor of the bill which made possible the free distribution of Salk vaccine to all children between the ages of 3 and 20. He is the author of the Mental Health Act 1955. In the recent session of the Congress, for fiscal year 1959, he was successful in adding 75 millions to the total budgeted for research in the health fields. He took a leading part in the provision of funds for the National Institute of Dental Research Building, and he was instrumental in increasing the Federal appropriation for dental research activities to the highest level in history—in fact, to the highest level for dental research in any country of the world.

The officers, trustees, and members of this association are grateful to Senator HILL for his dynamic leadership in bringing better health to more and more of the people of this country, particularly through the new knowledge gained by research. In recognition of his devotion to the health of all of the people of this country, the board of trustees, with pride, nominates Senator LISTER HILL for honorary membership in the American Dental Association.

101. *Resolved*, that Senator LISTER HILL be elected an honorary member of the American Dental Association.

REMARKS BY PRESIDENT ALSTADT IN PRESENTING CERTIFICATE OF HONORARY MEMBERSHIP TO SENATOR LISTER HILL, HOUSE OF DELEGATES, MONDAY, NOVEMBER 10, 1958, DALLAS, TEX.

PRESIDENT ALSTADT. Mr. Speaker, members of the house of delegates, and distinguished guests, serving in various capacities of professional and community life, I have had the pleasure and honor to confer awards of various types on outstanding individuals. This occasion today marks the highlight of those experiences.

It is not necessary for me to enumerate to any dentist in Alabama or to any dentist in the United States the qualifications Senator LISTER HILL has in order to be elected an honorary member of the American Dental Association. Everyone knows the tremendous contributions he has made to the dental and medical health professions. Here is the man very largely responsible for obtaining the Dental Research building which had been a dream of the American Dental Association for 10 years. His other contributions to science are innumerable.

The American Dental Association has a wonderful friend in Senator LISTER HILL. I am very proud and honored that he is a good personal friend of mine. As president of the American Dental Association, I have received many, many letters approving of the nomination of Senator HILL as an honorary member. I wish to read three or four of these short letters from his people in Alabama to show he does have the esteem of the leaders in Alabama. The first is my letter to Senator HILL written in January of this year. Part of it reads as follows:

"In the 99-year history of the American Dental Association there have been granted only a very few honorary memberships, but our members are so appreciative of the fine service that you are rendering the American public, and also your understanding and splendid cooperation in dental problems make us feel that we would like to have you one of us."

A letter from a leader in Alabama:

"May I congratulate you and the board of trustees for selecting this eminent Senator for this honor. You may be assured that we in dentistry and especially those in Alabama are very proud of the association's recognition of his work. You may be certain we shall cooperate in every manner in celebrating this event."

Another letter from Alabama:

"I will be happy to join you and other members of the association in honoring Senator LISTER HILL from my home State of Alabama. He has always been a good friend of medicine and dentistry."

Another letter from Alabama:

"As an Alabamian and as a dentist, I am proud of Senator HILL's successful efforts for the health of the American people."

Another letter addressed to Senator HILL:

"Please let me congratulate you on having been chosen for honorary membership in the American Dental Association. We Alabama dentists will have to wear larger hats to Dallas because our Senator is being so honored. Dentistry will always be indebted to you."

Another one: "I concur 100 percent."

Well, what can you do for a man of his capabilities, his loyalty, his understanding and his friendship other than give him the highest award of the American Dental Association? Therefore, in behalf of the officers and trustees and the 91,000 dentists of the United States who belong to the American Dental Association, I hereby confer upon you, Senator LISTER HILL, honorary membership in the American Dental Association.

Now, our fellow members, Senator LISTER HILL, of Alabama.

[Senator HILL was given a standing ovation.]

SPEECH BY U.S. SENATOR LISTER HILL, OF ALABAMA, BEFORE THE AMERICAN DENTAL ASSOCIATION, DALLAS, TEX., NOVEMBER 10, 1958

President Alstadt, my friends—and now fellow members—of the American Dental Association, I am deeply grateful for the honor you have bestowed upon me this morning. Honorary membership in the American Dental Association is a distinction for which, I am told, few have been chosen. It fills my heart to stand with you today and, in truth, to be one of you.

It is timely that we gather here in this 99th annual convention of the American Dental Association. Within a few weeks you will enter the centennial year of ADA's unselfish and devoted and dedicated work in the cause of safeguarding and building the health of our people and the strength of our Nation.

You stand at the threshold of your second century, and it is appropriate that we take a look at developments in the field of dentistry, at new problems and new challenges, and at the outlook for the coming years. For we know that of all medical problems, oral disease makes the greatest impact on the American people. Few persons escape it entirely, and it represents one-sixth of the total cost of medical care—an annual expenditure of some \$1.5 billion.

But first permit me to pay tribute to your honored organization and to its fine representation in Washington. During my years in Congress, I have met with the representatives of countless organizations; I have heard the testimony of literally thousands of persons. May I say that in all that time no representatives have impressed me more, with their sincerity and their insight into the problems of Government, than your representatives for the American Dental Association. In Dr. Harold Hillenbrand, in Mr. Bernard Conway, in Dr. Willard Camaleri, I have found always the spirit of cooperation and understanding, never the spirit of negation.

They have been diligent and ever alert in protecting the rights and freedoms of your profession, always firm that acceptable solutions to social-economic dental problems must preserve and promote the high traditions of the dental profession, yet always eager to help us find solutions in the public interest to the problems we encounter, and always placing humanity first. On many occasions they have looked ahead for us, anticipating the problems, and have brought to us wise and constructive suggestions for solving these problems.

Always I have found a fine sense of civic responsibility in the American Dental Association, in your constituent State societies, and your district and local groups. This has been demonstrated in your support of fluoridation programs and in many community activities.

We are joined today in our pride and gratification in the knowledge that the National Institute of Dental Research will at long last have its own separate building in the National Institutes of Health at Bethesda, Md. The past session of Congress accepted the original recommendations of our Senate Health Appropriations Committee and provided \$3,700,000 for the construction of this fine building—magnificent in concept and a landmark in the history of dentistry. The architectural plans for the building were completed just 2 weeks ago. Within another 2 weeks, bids for construction will be received and the contract will be awarded in January. Construction will start in the early spring.

The National Institute of Dental Research, housed in its own building with its Dental Research Center, will add to the dignity and the prestige of dentistry. Our dental research specialists will be able to bring together and concentrate their resources and their energies—now dispersed in makeshift

and inadequate facilities. They will be able to press ahead into new areas of basic as well as clinical research, tying in their work with biological and chemical and psychological research.

During the past session of Congress, we appropriated some \$7.5 million for the programs of the Institute of Dental Research. This is a million dollar increase over last year's appropriation and some 20 percent above the administration's request. These funds will enable the Institute of Dental Research to expand its programs for research fellowships and research training, and for training grants and support.

The Institute's program of individual fellowships now reaches all levels of study. It grants postdoctoral and special fellowships for certain types of advanced research in the field of dentistry. The program of student fellowships has been broadened. There are fellowships for graduate research, and even fellowships for undergraduate students, making it possible for them to engage in part-time research.

The program provides for the dental graduate and the undergraduate to broaden their training through research experience in the related sciences, such as pathology, pharmacology, and biochemistry, which are basic to dentistry as to the other health sciences. And on the other hand, graduates of basic science departments are given opportunity to prepare for careers in dental research.

In its program of training grants to institutions, the Institute of Dental Research makes grants to the dental schools to assist them in the establishment, expansion, and improvement of training and teaching. Just within the 2 years of the grants program, 17 research training centers have been established. The grants serve two primary purposes: First, to defray the expenses of the institution in providing its training program and, second, to enable the school to pay subsistence stipends and allowances to individual trainees.

In addition to these training and research programs in dentistry, a substantial portion of the funds for the U.S. Public Health Service, as we know, goes to support State and local public health programs in the field of dentistry.

Those of us familiar with the progress of the dental profession during the past half century cannot fail to be impressed with the evolution of dental practice. In dentistry, as in other medical fields, there has been historic progress toward the concept of man as a single biological entity. The evolution of dental practice, in its relationship to the biological and other sciences, has come about chiefly through dental research. For research is the mind and the heart of dental progress, as it is of all medical progress.

The American Dental Association long ago recognized the vital place of research in the growth of the then relatively young profession of dentistry. Just after the turn of the century, ADA brought into being a committee on scientific research. Let us recall some of the more outstanding milestones set in place by the American Dental Association and its committee on scientific research, working with the Congress and the medical research agencies of our National Government.

In 1928 the ADA set up the research-associate program in cooperation with the National Bureau of Standards, for research and testing in dental materials. This eventually led to physical and chemical standards for practically all dental materials in use today.

In 1931 Dr. Hugh S. Cummings, Surgeon General of the Public Health Service, appointed five doctors of dentistry as consultants in dental research, recognizing the relationship between oral and other diseases. In 1941 a research-associate program was

established at the then National Institute of Health to carry on investigations in the field of biology as it relates to dental health. The research-associate programs, I may add, served as a pattern in the shaping of today's research fellowship programs.

The most significant step came in 1948 with the establishment by Congress of the National Institute of Dental Research, as an integral part of the National Institutes of Health. I should note here that the American Dental Association played the major role in securing the enactment of this legislation, with its vigorous support and persistent demand for the Institute of Dental Research.

The scope and variety of dental research has grown rapidly in recent years, with increased funds provided by Congress. Dental research today is concerned not only with the causes, control, and treatment of dental caries and periodontal diseases, but also with a number of other diseases and malformations affecting the mouth and adjacent structures. These include cancer, cleft lip and palate, oral manifestations of systemic disease, and the influence of oral diseases on other organ systems of the body.

We have found that many dental defects are hereditary, and a study in human genetics is being carried on at this time in southern Maryland by the Dental Research Center. Use of the electron microscope has traced the precise way that decay attacks tooth enamel. An instrument capable of cutting ultra-thin sections of dental tissue—one hundred thousandth of a millimeter in thickness—permits cell study in enamel and dentin, and traces development of the tissues from the earliest stages to maturity.

The past century has been a century of progress for the dental profession. Inspired by your devotion to the health of our people, your courage, your vision, and your faith, we shall continue to go forward. We shall continue to intensify and enlarge dental research; the ranks of dental scientists and research teachers will be multiplied and strengthened; and our dental schools will more and more seize every opportunity to apply the knowledge and the techniques of the biological sciences.

There are many problems and many challenges ahead. Even now 60 percent of our people do not avail themselves of regular dental treatment. A population growth of 3 million a year in the United States demands additional numbers of dentists, technicians, and nurses. The rise in population is chiefly among children and the aged—adding to the problem, since these are the age groups which require additional dental care, and which present special dental problems. We must devise programs of public education, and impress upon the people the need for regular dental checkup and continued dental protection.

These needs will be met in America. There remains the international challenge. We know some of the dramatic stories of preventive medicine: The mass use of penicillin against yaws; the millions of shots against yellow fever; the worldwide campaign against malaria. These programs have saved millions of lives and ended untold suffering and disability. They have helped to make possible great advances in the economies and in the standards of living of the recipient countries. Our contributions to them have been widely appreciated, principally by the governments of the countries.

But I am not content with programs that have more meaning to governments than to the people. And I have been impressed with the reports from men in the international health programs who have told me of this repeated experience—the one service that has meant most to the individual person receiving it, the most sought after, and the longest remembered, is the service provided by the all too occasional dentist on an international health team.

I believe our international health programs are missing a great opportunity not only for effective service but for effective human relations. The malaria program that has saved millions of lives is a tremendous fact. But it may not be a fact at all to the individual beneficiary. He has been saved from a disease he did not have, and of which he was never aware.

But the individual who needs dental treatment, the man with an aching jaw—he will never forget the American dentist who relieved him of a real and pressing anguish.

Millions of people in the underdeveloped areas are without access to any sort of dental care. We cannot provide treatment for these multitudes. We could not in the foreseeable future train sufficient of their own people to meet the need. But we can turn our thoughts to this need. We can provide the spur to effective action that will make use of this potential for international human relations, for building and strengthening our friendships with other nations in the titanic struggle against communism.

In the closing days of the past session of Congress, I introduced a bill to establish a National Institute of International Medical Research in the U.S. Public Health Service. I shall reintroduce the bill in January and work for its prompt enactment. It too would constitute another weapon in America's arsenal against communism. And while it would benefit other nations, exchange of international research would bring many benefits to the United States.

We recall that so much of our medical progress has been due to research and discovery in other countries. Now we are told that if all the research experience in the world today bearing on cancer and heart disease could be brought together, sifted and refined, and further research conducted on the basis of this knowledge—a major breakthrough against these dread diseases not only would be possible, but even likely, in the immediate future.

We recall too that only last winter the epidemic of Asiatic flu, originating in North China, took some 76,000 American lives. Other new and undiscovered diseases can strike America at any time.

We have moved into a new phase of the struggle against Communist Russia, Communist China, and their satellites. Ever greater and more deadly nuclear weapons have led, temporarily at least, to an emphasis on other instruments of strategy. Communist Russia has shifted her offensive to infiltration and subversion, to economic penetration, to psychological and technological warfare. We must meet this new and varied challenge of communism with new, imaginative weapons of our own. The ability to end sickness, suffering and death in countries is one of our strongest weapons.

Medical science as an instrument of foreign policy can build people-to-people friendships far stronger and more lasting than loans or grants of money, or the official pronouncements of governments. We know that America must remain strong in her military preparedness. We must press forward with exploration of outer space, with the development of missiles and rockets, and with our capacity to meet the threat of localized aggression. But we must make use of other weapons and other tools—of every means for building and holding friendships, for building and strengthening the trust and friendship of the uncommitted nations of the world; for beating back the tide of communism that batters against the shores of our America and all the free world.

AGRICULTURAL POLICY COMMISSION

Mr. STENNIS. Mr. President, since making my speech on the Senate floor on July 16, 1959, proposing an Agricul-

tural Policy Commission, several important developments have occurred that re-emphasize the critical need for this study and reappraisal of our entire agricultural program.

The August 1, 1959, cotton report indicates a record yield of 474 pounds per acre—a crop of approximately 14.8 million bales. This is 3.4 million bales more than the total domestic consumption and exports for the immediate past season ending on August 1, and is expected to be approximately 1 million bales more than total consumption for the current marketing year. The shocking truth is that even with the allotted acreage reduced to a bare minimum, we are adding cotton to our surplus supply.

Recent reports point up serious problems in the administration of the new choice A and B cotton programs. It is my understanding that only a small percent of the cotton will be produced under the choice B program; and, as a result, this will force most of the crop through the Commodity Credit Corporation. This could develop into a most serious problem and could disrupt the entire marketing pattern at the local level.

I am also informed that the new program is having adverse effects on the function of futures sales. A few days ago the New Orleans Exchange for the first time in its history failed to report a single transaction in cotton for future delivery. The full blame for this critical situation was placed on the administration and operation of the new cotton program. These conditions certainly illustrate, in a most emphatic way, the need for revision and change in our cotton program. Several other basic agricultural commodities face similar problems.

On Wednesday of last week, the President through his Secretary of Agriculture, Mr. Benson, expressed great concern in the present farm law and particularly as it applies to wheat. It was pointed out that the Government investment in wheat would probably amount to \$3.5 billion next year with interest, storage, handling, and transportation charges amounting to \$1.5 million each day. The President indicated that he plans to make a personal appeal to the people by radio and television for farm legislation before the next session of Congress. I am glad that this problem has the President's personal attention, but with the sharp differences of opinion existing among the administration, farm groups, and the Congress, I see no real hope of sound legislation until a complete reappraisal and evaluation is made of existing program and basic objectives and a policy clearly established. It may be possible to get stopgap legislation or another patch on existing law to give some temporary relief. This is the usual pattern in an election year.

The only sound way to resolve this problem and avoid another series of patchwork amendments is through establishment of an Agricultural Policy Commission whose members will be dedicated to working out a better program on a commodity-by-commodity basis.

My bill, S. 2395, would set up a commission patterned after the Hoover Commission. It would be composed of 12

members. Four would be appointed by the President of the Senate—two from the Senate and two from private life. Four would be appointed by the Speaker of the House—two House Members and two from private life. Four would be appointed by the President of the United States—two from the executive branch and two from private life.

The duties of the Commission would be to make a full and complete study on a commodity-by-commodity basis of various agricultural programs of the Federal Government, including, first, price support program; second, programs for the control of production; third, programs for the disposal of agricultural surpluses; and fourth, other programs relating to production of all price supported commodities, for the purpose of determining the extent to which such programs should be modified, replaced, or improved, with an objective of stabilizing the agricultural economy of the United States.

In addition to these duties, the Commission would give careful study to the contribution which a long-range expanded agricultural research program would have on solving basic problems of production cost, quality improvement, farm income and surpluses.

The Commission would be composed of high-level, competent people who would be capable of evaluating the farm problem and making sound recommendations on this important and vital subject.

The Commission would be required to withhold its report until after the 1960 election.

I call on the President of the United States and the Secretary of Agriculture to give their support to this proposed legislation. This bill should be considered during this session of Congress, thereby enabling the Commission to initiate a study within the next few months. It would be a serious mistake to let our agricultural problem continue in its present form and neglect the opportunity to make a sincere effort to formulate a realistic farm program.

If a better plan is not devised, the American farmer will continue to be criticized by consumers and taxpayers, and the present program may even collapse under its own weight.

We badly need the fresh approach such a commission could give us, and the basic recommendations they could make would be a firm foundation for a new, efficient, economical, and effective farm program.

Mr. President, these figures with reference to wheat—and I make no reference to wheat as being any more of a problem than cotton or anything else that is in this support program—are figures which we who are vitally concerned with the farm program try to run away from. They are put in such light sometimes as to be highly misleading, but there is enough truth in these figures to prove that a continuation of this program without some basic, fundamental changes and evaluations is going to cause the entire program to collapse, and we pull down the house on ourselves when we let that happen.

With all deference to everyone, members of committees, administration, and everyone else, I do not believe it is politically possible for us to get a basic reevaluation, a reappraisal in the enactment of sound farm legislation, during a presidential year, and that is why I propose that this basic study must be made along the lines indicated here. We should take time enough to get to the fundamentals and then bring in a recommendation really painting this picture as it is, not trying to justify anything that exists, not trying to justify any administration or any President or any Congress or any area, but show this problem as it is, with the hope that there would be some recommendations that would be fundamental and elemental and give us something to travel on.

Mr. President, I again call the attention of the Senate, the Congress, the country, to the dire need for this remedy.

HUGE IMPORTATIONS OF LAMB SHOULD BE CONTROLLED

Mr. McGEE. Mr. President, I wish to say a word this morning about the condition of the domestic lamb industry, a vital segment of the sheep industry, and its economic welfare.

For some time the lamb market has been in deep trouble, partly due to the importation of frozen carcasses, and partly due to some questionable practices of lamb grading, condoned by the Department of Agriculture.

At the present moment this difficult situation is about to be compounded by a rising upsurge of live imports of lamb into this country. From Australia recently a shipload of 30,000 lambs was brought to the west coast. Those lambs are now in quarantine, but will soon be released for slaughter.

Application has been made by the same group to bring in another 30,000 very soon, and I submit that if this is continued we are going to intensify the economic plight of a legitimate and a fundamental and basic American economic group.

Let me mention only for the record the sudden upsurge in imports of lambs from abroad. Lamb and mutton imports in 1956 amounted to only 1½ million pounds. They had jumped in 2 years to 24 million pounds in 1958, and for the first 5 months of the present year, 1959, they have already exceeded the total of 1958.

I say, Mr. President, that if we permit these lambs from Australia to be led to slaughter in the United States, we are in effect preparing to lead to slaughter an agricultural economic segment, the sheep industry, and that is a situation we might well look into.

Therefore I suggest, Mr. President, that the Department of Agriculture take the proper procedures, the precautionary steps, to check these future imports, and that negotiations be undertaken with the governments involved outside the United States in order to attempt to put these importations back under proper regulation.

Mr. President, I ask unanimous consent that an item appearing in a report

called "Sheep Industry Journal" for August 22, 1959, about the importation of lambs from Australia, together with a table showing the amount of such imports, appear in the RECORD at this point.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

The Delfino interests have filed a new application with the Department of Agriculture quarantine officials for the importation of 30,000 more live lambs from Australia. The first shipload is still in quarantine at San Diego, due to be released soon for slaughter.

Producer groups in Australia and New Zealand have been in this country seeking to find ways in which they can come into the United States with increasing quantities of lamb. Some of them have been meeting with American Farm Bureau officials in Chicago this week seeking their support for exporting more lamb from south of the equator into the U.S. market. National Wool Grower and National Lamb Feeder Association officials met with the foreign producer representatives last week in California. No firm conclusions were reached—just study the problem more.

Lamb and mutton imports by years

	Pounds
1955-----	2,252,000
1956-----	1,372,000
1957-----	3,543,000
1958-----	24,000,000
1959 (between Jan. 1 and May 31)-----	25,327,000

THE DANGEROUS SITUATION IN LAOS

Mr. JAVITS. Mr. President, I should like to say a few words today about the situation in Laos, to which I think our attention is very markedly being directed nowadays. The situation there is, as our Secretary of State has reported, very dangerous.

I have spent the last few days, Mr. President, in doing a little research on the subject, in order to ascertain whether some firm recommendation is advisable.

Mr. President, I was not here yesterday when my colleague from New York [Mr. KEATING] made some comments about this matter, particularly in respect to the complacency which may be induced by Mr. Khrushchev's visit. I believe all these warnings to us upon that score are very pertinent.

I had in mind, however, in this regard, something along the lines of initiative in the field of foreign affairs. In the first place, I believe our Government is entitled to support in the Senate for its decision to airlift military aid to the Government of Laos, to enable it to deal with the indirect Communist aggression seeking to subvert its Government by challenging the Lao Government's authority internally by force. While this aid is essentially and thoroughly in accord with our foreign military aid policy, it is, at the same time, also necessary to take more definite action on the diplomatic front.

For this reason it is important, as I see it, to get United Nations action, as we did in respect of Korea, Suez, and other international troubles which could have expanded and become very much more serious.

United Nations action has proved effective in these cases; but it is clear from

the statement of Secretary General Hammarskjöld of the United Nations today that he does not conceive his authority to extend far enough to enable him, on his own recognizance to take adequate action by sending observers, or even an envoy to look into the Lao situation.

While our Government, therefore, takes the emergency measure of sending arms to Laos by airlift, we should also be contemplating United Nations interposition in the difficulty. This can be effected by a special emergency session of the United Nations General Assembly.

The Assembly is not scheduled to meet in regular session until September 15. A special emergency session, such as was held in connection with the Suez difficulty, and Hungary, can be called by a vote of seven members of the Security Council.

I point out in that regard that the Soviet veto is not effective to block such a call.

The Chair may recall that the Soviets opposed the motion in the Security Council in 1956 for a special emergency session of the General Assembly, in connection with the situation of Hungary. The vote was 10 to 1. The Soviet Government voted against it, but that did not stop the General Assembly from being called. So it laid down the precedent that such procedure is not subject to a veto. That is a very important precedent.

Currently our Government should give urgent attention to initiating the call for a Security Council session, which could, in turn, call for a special emergency session of the United Nations General Assembly to deal with the threat to the national integrity of Laos, existing by virtue of the attempted subversion and infiltration from its Communist neighbor, North Vietnam.

In a Security Council hearing the Laos representative could be heard. That would have this advantage: If the sticky fingers of Mr. Khrushchev are in this deal—and I have little doubt that they are; certainly the Communist Chinese are in this deal up to their necks—the world would have some notice of that fact.

It must be recalled that this is nothing new in Laos. In 1957 Communist irregulars and infiltrators, also from North Vietnam, sought to overpower the young government of Laos, and the threat which is now again becoming an actuality has been imminent ever since the 1954 settlement of the Indochinese situation.

The reason is very obvious. Laos is a primitive country, without too much in the way of roads or other development, lying on the border of North Vietnam, where it is very easy to get at, and obviously is a very succulent dish for an effort at Communist takeover.

In addition, the people have a very low standard of living. Laos is a primitive state, with a population of about 2 million, whose per capita share of the gross national product is \$50 a year. Fortunately we have been giving aid there—enough aid to keep an effective defense force, and also to do something about raising standards of living, stand-

ards of health, and sanitation in the country.

We have extended grant aid of about \$40 million a year to support military forces and internal security efforts, which aid has been sufficient so far to hold the situation under control.

Also our defense support aids the Lao Government's civic action program, which provides mobile units sent into the country by the Government to help solve local economic and health programs.

There was a time when there were Communists in the Lao Government, but in 1957 the Lao leaders got together and showed an understanding of communism. They have had the intelligence and courage to seek to preserve the independence of their country by making the greatest possible advance in the development of their living and other standards. This forward march needs to be encouraged and continued; but first and foremost, as we know very well, the national integrity of Laos must be preserved.

This situation arises at a very strategic time, because if Khrushchev is coming here to talk with Eisenhower, he can hardly want the black eye hung on him of trying to subvert Laos, if it is hung on him by United Nations General Assembly action. The Russians have shown that they are susceptible to a demonstration of world public opinion which comes from the United Nations General Assembly. This is perhaps one of the most significant aspects of our postwar knowledge about the Russians. A public opinion in the world, expressed through the United Nations General Assembly, apparently represents a very important influence upon them, especially in a matter of forcible subversion of this kind.

It may very well be, also, that such an emergency session will consider seriously the extension of the United Nations emergency force now functioning on the Egypt-Israel border to the Laos-North Vietnam border; or the situation may call only for United Nations observers.

In any case, the Secretary General of the United Nations has made it clear that this authority does not extend to definitive action. As the situation is very dangerous Secretary Hammarskjöld has a right to receive instructions from the General Assembly.

I therefore suggest that at this strategic moment, when Khrushchev is likely to be on his way soon, and must himself address the General Assembly of the United Nations in regular session starting September 15, our Government should give early and earnest consideration to getting the General Assembly convened in emergency session on the Lao crisis, acting through convening a meeting of the Security Council, which it can do, as we are a permanent member.

I point out that on previous occasions, such as that in 1956, when there was an emergency meeting of the General Assembly, the emergency meeting merged into the general session, with the papers of the emergency session being turned over to the general session.

The situation is analogous at this time. I think this is a very important aspect of the way in which to deal with the situation of Laos, namely, to highlight its emergency quality. It certainly is a dangerous emergency. The attention of the whole world should be called to it. We should endeavor to seek international measures to deal with it.

It is true that the Communists have the initiative, and that they can poke at the free world at places of their own choice—yesterday Berlin, today Laos, tomorrow somewhere else. But it is also true that the free world has in the United Nations an organization which has shown some effectiveness. It also has its moral power, and finally its military strength, if it needs to use it.

We have also learned, the hard way, that if we want to resist the nibbling process, we must step hard with our feet upon the hand which is reached out to grab a little country, as is being demonstrated now. So I hope very much that our Government will take the initiative, and that it will be supported by the Senate.

I am delighted that my colleague spoke yesterday. I felt that I wished to contribute to the general position in that regard by speaking today. I hope other Members will make themselves heard. Our Government is entitled to support for taking the step of sending emergency arms by airlift, and it is entitled to be stimulated by the knowledge that it will be supported in treating this situation as an international crisis, as a very dangerous threat to the free world, and using this strategic time to enlist the General Assembly, through a special emergency session, in an effort to rid us of the very grave danger which now exists in Laos.

Mr. President, I ask unanimous consent to have printed at this point in my remarks an article entitled "United States Plans Airlift of Emergency Aid for Army in Laos," published in the New York Times of today, August 28, 1959, and also an article relating the progress which has been made in Laos, written by Ernest K. Lindley, and published in Newsweek for June 1, 1959.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 28, 1959]
UNITED STATES PLANS AIRLIFT OF EMERGENCY AID FOR ARMY IN LAOS—SUPPLIES WILL ENABLE 8,000 MORE MEN TO HELP GUARD COUNTRY AGAINST REDS

(By E. W. Kenworthy)

WASHINGTON, AUGUST 27.—The U.S. Pacific Command will begin airlifting emergency military supplies to Laos within a few days, Defense Department officials said today.

The State Department announced late yesterday that the United States had decided to increase aid to the southeast Asian kingdom, whose security has been threatened by Communist guerrillas.

Laos has a 600-mile border with Communist North Vietnam and Communist China. Small bands of troops from North Vietnam have been slipping across the border, particularly in the provinces of Samneua and Phongsaly in northern Laos. They have been joining remnants of a battalion of Laotian Communists.

SUPPLIES AVAILABLE IN ORIENT

The additional U.S. aid will enable Laos to increase her army from about 25,000 to 29,000 men and her village militia from 16,000 to 20,000.

The supplies will be of the same kind that the United States has been furnishing Laos for the last 4 years under a military assistance program—small arms and ammunition, clothing, tents, jeeps and radio equipment.

Such supplies are available at U.S. bases in Japan, the Philippines, Okinawa and Taiwan. The responsibility for airlifting them into Laos has been given to Adm. Harry D. Felt, commander of all U.S. forces in the Pacific, whose headquarters are in Honolulu.

Defense Department officials said that the airfield at Vientiane, the administrative capital of Laos, could handle C-119 military transports.

Meanwhile, on Capitol Hill, Senator KENNETH B. KEATING, Republican, of New York, cited the Lao crisis as an effective illustration of the need for an adequate foreign-aid program.

Mr. KEATING said that the Lao situation "show perfectly" that the aid program is not a giveaway, but is "absolutely necessary in our national interest."

Senator KEATING also said that Communist actions in Laos again revealed the emptiness of Moscow's professions that it wants peace.

He said that Premier Nikita S. Khrushchev, "who of all men has the power to stop this aggression, is insulting the intelligence of the free world if he thinks he can come to this country and convince Americans or any other people of the free world of his peaceful intentions at the very time he is calling the signals on the kind of deliberate slaughter which is going on in Laos."

U.N. CHIEF DECLINES TO ACT

(By Lindesay Parrott)

UNITED NATIONS, NEW YORK, August 27.—Secretary General Dag Hammarskjöld declined today to send a United Nations observer team to Laos unless a major body of the international organization demanded such action.

The Secretary General, who is in Buenos Aires, said in a message sent here that his authority probably did not extend that far.

Unofficial statements here revealed that Mr. Hammarskjöld had set in motion diplomatic measures requested by the Lao Government to relieve Communist pressure. But the Secretary General said he had received no request from Laos or from any other government to send official observers.

His statement made plain that a United Nations border patrol would be sent only with the consent of both Laos and North Vietnam or under a firm directive from the Security Council, the General Assembly, or the powers that supervised the Geneva agreements of 1954.

Britain and the Soviet Union were co-chairmen of the 1954 Geneva Conference that ended the 8-year war between French and Communist forces in Indochina. The armistice in Laos, a former French protectorate in Indochina, was supervised by a commission that consisted of representatives of Canada, India, and Poland. The commission suspended its activities last year.

STAND EXPRESSED EARLIER

Mr. Hammarskjöld's statement was made public here to clarify the position he had expressed in a news conference this month and in conversations last week with Ngon Sananikone, a special Lao envoy.

Mr. Hammarskjöld made the following points:

On various occasions he has sent personal envoys to two disputing countries at the "joint request" by both.

When invited by a single country, he has sent an envoy there.

It is beyond the competence of the Secretary General to enforce a mission on a state or on states that have not formally requested such action.

"It must be regarded as outside the competence of the Secretary General," the statement said, "to arrange a mission regarding the border situation in Laos without an invitation from Laos and the other country concerned (North Vietnam)."

Mr. Hammarskjöld suggested, however, that he might act on a "joint initiative by the two co-chairmen of the Geneva Conference of 1954, after consultation of the two countries concerned."

BRITISH-UNITED STATES TALKS EXPECTED

LONDON, August 27.—The Communist advance in Laos and the ways to meet it are expected to be taken up tomorrow in the first working session connected with President Eisenhower's visit to Britain.

While the President visits Queen Elizabeth at Balmoral Castle in Scotland, Secretary of State Christian A. Herter will meet Foreign Secretary Selwyn Lloyd at the Foreign Office.

The most urgent problem before them seems to be the advance of Communist guerrillas in Laos.

On Monday before he left the United States, Mr. Herter told a group of Senators and Representatives that the Lao situation was "very dangerous." He indicated that he would like the United Nations to send border observers.

Today the Marquess of Lansdowne, Joint Parliamentary Under Secretary for Foreign Affairs, discussed Laos with the Soviet Ambassador, Yakov A. Malik.

TWENTY-FIVE VILLAGES SAID TO FALL

VIENTIANE, LAOS, August 27.—About 25 villages with a total of 8,000 persons in northern Laos have been occupied by enemy forces or their sympathizers, according to military intelligence reports received here today.

Six to eight North Vietnamese battalions are massed along the border, the reports said, but there is still no conclusive evidence that Vietnamese troops have participated in military activity in Laos.

A lack of facts on military developments in Laos was said to have prompted U.S. sources to protest to the Lao Defense Ministry. Shortcomings in communications and an apparent lull in military action were believed to be the cause of sketchy reports.

[From Newsweek, June 1, 1959]

NEAR MIRACLE IN LAOS

(By Ernest K. Lindley)

VIENTIANE.—A near miracle has occurred in landlocked Laos, most remote, most primitive, least organized of the free nations which sprang from French Indochina. It is not entirely a miracle because it is due to the intelligence and courage of Laotian leaders who understand communism and are resolved to preserve the independence of their country. The American Government has given effective help. As a result the situation in Laos is utterly different from that depicted in recent congressional rehashings of the past.

To appreciate the near miracle it must be remembered that Laos has a very long border with Communist North Vietnam and China. Its two northern provinces were controlled by Laotian Communist troops when the Indochina war ended in 1954. Two Communists were admitted to the cabinet in 1957. Only a year ago, the Communists and their allies scored an ominous political victory, winning a majority of the additional seats in the enlarged National Assembly. Meanwhile, corruption had made Laos a highly publicized example of badly administered American aid.

Last summer the near miracle began to develop. Most of the older anti-Communist leaders put aside their feuds and united in a new party: Rally of the Laotian People. Concurrently, progressive younger Laotians who had never held elective office, although most of them had served in appointive posts, organized the Committee for Defense of National Interests, dedicated to clean government as well as to saving Laos from communism. A new cabinet was formed, including four of these young men and excluding the Reds.

REPULSE

Last October the new government removed the chief cause of graft by abolishing import license and devaluing the currency. It firmly withstood a phrenetic Communist counteroffensive—demands for reactivation of the International Control Commission (including a Communist member) which had left Laos in July supported by a strong propaganda campaign from North Vietnam and raids across the border by Vietminh troops. In January, it obtained a 1-year grant of special powers from the National Assembly and added three army officers to the Cabinet.

Four months ago this new regime launched a campaign designed to destroy Communism at the rice roots. One arm of the campaign is village improvement—most of the 2 million Lao live in some 10,000 villages. The Government is giving the villages cement and roofing materials, and they are building schools. The village campaign includes public health and local roads. The other arm of the campaign is the strengthening of the administrative pyramid, extending downward to the villages.

ADVANCE

Traditionally, each village elects its own headman and the headmen of each group of 6 to 10 villages elect their district leader. Now these lower officials must be approved by the National Government. The Communists and their dupes are being eliminated. The prestige of reliable lower officials is being built up by giving them official huts and staff assistance. In this the Lao Army, trained, at our expense, has an active role. Six picked army men are assigned as staff to each district leader. Meanwhile, graduates of the U.S. training programs in agriculture, public health, etc., are beginning to move into the field.

Thus while backward-looking Congressmen rake over the past, Laos has moved ahead. I talked with Premier Phou Sananikone and with such younger officials as Impeng Suryadach, Secretary of State for Education, and Lt. Col. Oudone Sananikone, Secretary of State for Social Affairs and Public Health. They seem to me to be both capable and socially enlightened. The changed situation in Laos justifies two conclusions: (1) Despite past waste and corruption, American aid has been a success and (2) not to give this new regime our unstinting support would be blind folly.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT ENTITLED "FEDERAL DISASTER REPORT MANUAL"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business, H.R. 1, be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 839, Senate Resolution 179; and that upon the conclusion of action upon Senate Resolution 179, the Senate resume the consideration of H.R. 1.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 179) to print for the use of the Committee on Government Operations additional copies of Senate report entitled "Federal Disaster Report Manual."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JAVITS. Mr. President, may I ask the acting majority leader whether the resolution has been cleared with the minority leadership?

Mr. MANSFIELD. Yes; it has been cleared. The additional copies of the manual are needed because of the earthquake situation in Montana. That is why I have asked for the consideration of the resolution at this time.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 179) was agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Government Operations eight thousand additional copies of Senate Report Numbered 807, Eighty-sixth Congress, entitled "Federal Disaster Relief Manual", reported to the Senate by the Committee on Government Operations.

DIVERSION OF WATER FROM LAKE MICHIGAN, AT CHICAGO

The Senate resumed the consideration of the bill (H.R. 1) to require a study to be conducted of the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway for navigation, and for other purposes.

Mr. YOUNG of Ohio. Mr. President, in my opinion the bill under consideration presents a very grave problem in connection with the note of the Canadian Government dated April 9, 1959, in which that Government expressed, in no uncertain terms, its opposition to H.R. 1, which has been debated in the Senate for some time, and probably will be debated further today and tomorrow, and perhaps even next week, before a vote is taken.

Mr. President, I am opposed to H.R. 1. I hope very much that the motion to refer the bill to the Committee on Foreign Relations will be adopted. I feel that in view of the grave questions raised by Canada's objection to the proposed legislation and her insistence upon her rights under existing treaties, the Senate should support the motion to refer the bill to the Committee on Foreign Relations for further consideration.

If, however, that motion fails, and the debate proceeds upon the merits of the bill, I am aware of the claim made that the bill provides for only a temporary diversion of the waters of the Great Lakes. Yet I am fearful of the precedent if the Senate should, by an affirmative vote, pass the bill. From my point of view, there is no justification for the bill. I entertain the hope that should the bill be passed by the Senate, as it was passed by the House of Representatives, the President will veto it be-

cause of the attitude of the Canadian Government.

I may say, in that connection, as one who has studied the vetoes of President Eisenhower during the time I have been a Member of this body, that were the bill to pass the Senate as it has passed the House, and were the President to veto it, I consider that it would be the only veto of President Eisenhower which would have justification. I would much prefer that the bill be referred to the Committee on Foreign Relations or be defeated in the Senate, so that I might be in a position rightfully to tell my constituents in the State of Ohio that, in my studied judgment, the President of the United States has been wrong in his every veto since I became a Senator.

Therefore, I hope we will not afford the President the opportunity of being right in this one instance, should he veto the bill. Should the distinguished senior Senator from Illinois [Mr. DOUGLAS], who is the present occupant of the chair, succeed in having the bill passed through this body, under his great leadership, I would be sorry to be put in the position of supporting an Eisenhower veto.

Mr. President, I shall now proceed to another subject.

Mr. LAUSCHE. Mr. President, will the Senator yield before he proceeds to the other subject?

Mr. YOUNG of Ohio. I yield to my distinguished colleague from Ohio, provided I do not lose the floor.

Mr. LAUSCHE. Mr. President, with the permission of the distinguished junior Senator from Ohio, I should like to point out again that what has been said on this subject by Charles Cheney Hyde, a recognized expert on international law. It is so significant that it ought not be omitted from the Record.

Mr. Hyde points out that under the agreement made initially, I believe, in 1909, and then reinforced in 1950, the Government of the United States and the Government of Canada entered into what was known as a convention; and that under that convention they agreed to conduct themselves in a specified manner with regard to the waters which had their origin in either of the nations, or which flowed through either of the nations or constituted boundary lines.

In that convention, it was stated that no changes in the courses of waterflow and no changes in the elevation of the waters shall be achieved by the construction of dams or other artificial impoundings which would have a damaging effect upon the ability to generate hydroelectricity or navigate ships, without the consent of both of the signatures.

The convention provides, by the solemn covenant of our Government and that of Canada, that disputes are to be referred to the International Joint Commission. That is, it specifically states that when an item arises in which there is a dispute, that matter shall be referred to the International Joint Commission.

Our Nation has been noted throughout its history for its devotion to the promises and the contracts it makes. But now we find that we are asked to vote to have our Nation proceed, by

means of this bill, to violate the covenant or treaty which has been made between our country and Canada.

Mr. President, today, we hear on all sides, "Do not listen to Khrushchev or to the Soviets. Their word is not worth the paper it is written on." Such statements have been made on the floor of the Senate; and they point out the chief basis for differentiating between the Soviets and the free world, including ourselves. We know of the promises the Soviets have broken, after they have made them to all of the captive nations. The Soviets said to them, "We will give you the right to vote"; and the Soviet compacts with those nations provided that they would have the right to vote. But Stalin and Khrushchev broke those promises.

My point is that although the entire history of the United States testifies to the fact that our country has never broken a promise or a commitment, yet it is now proposed, by means of the pending bill, that our country say, in effect, to Canada, "Yes; we have a convention with you; and we have agreed with you that we would not divert these waters, by means of the building of dams, or otherwise. However, the time has come when we feel that we can break that compact."

Mr. President, such an attitude is completely foreign to what our country has always stood for.

So I wish to commend my colleague [Mr. Young] for his statement in regard to the importance of the treaty, or the convention, as it is called. If the precedent now proposed were to be established, we surely would pay a very large price for it; we surely would put a dent in our armor; and we surely would tell all the world that we believe in the sanctity of treaties only so long as we find them useful to us, but that when situations develop in such ways that the treaties we make become disadvantageous to us, we throw them overboard.

Mr. CASE of South Dakota. Mr. President, will the Senator from Ohio yield to me?

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. YOUNG of Ohio. I do not yield at the moment, Mr. President.

Mr. CASE of South Dakota. I wish to ask a question in regard to what the senior Senator from Ohio [Mr. LAUSCHE] has stated just now.

Mr. YOUNG of Ohio. First, Mr. President, let me say that my distinguished colleague [Mr. LAUSCHE] has just made what I regard as a very notable statement; and through that statement he has presented an irrefutable argument against H.R. 1, which now is before the Senate. I am very happy to join my colleague in his opposition to this measure.

At this time I yield to the Senator from South Dakota [Mr. CASE], provided I may do so without losing the floor.

The PRESIDING OFFICER (Mr. McCARTHY in the chair). Is there objection? Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, as I have stated earlier in the course of the debate on the pending bill, I believe that the protest voiced by the Canadian Government in its letter of April 9 of this year, and to which it alluded in its letter of April 16 of this year, raises a question of comity between the two countries; and I believe that question might properly interest the Senate Committee on Foreign Relations.

I have already indicated that if that issue were raised, I would believe that, as regards the question of jurisdiction, the Committee on Foreign Relations would be well within its rights in asking that the bill be referred to it.

The first clause of the rule which defines the jurisdiction of the Foreign Relations Committee gives that committee jurisdiction of matters which relate to the relationship of our country with other countries.

However, I wonder just how the Senators from Ohio avoid the reservation which was included in the Treaty of 1909, which declared that the waters of Lake Michigan were wholly within the United States.

Mr. LAUSCHE. The treaty itself contains the statement that nothing in it shall in any way affect the general authority which was given to that Joint Commission.

Let me read, beginning with page 571, from the book written by Charles Cheney Hyde:

The United States has in the present century concluded significant agreements with both Mexico, and Great Britain, with respect to the uses of waters constituting a part of, or appertaining to, or flowing across, its frontiers.

The arrangement known as the Convention Concerning Boundary Waters between the United States and Canada was an achievement of great moment. Each contracting party reserved to itself "the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters."

I interpolate to say that that sentence would seem to give support to the statement the Senator from South Dakota made a moment ago.

I read further from that portion of the book:

It was agreed, however, that any interference or diversion on either side of the boundary, resulting in injury on the other side thereof, should give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where the diversion or interference occurred. No further uses or obstructions or diversions (in addition to those previously permitted or thereafter to be provided for by special agreement) affecting the natural level or flow of boundary waters were to be made except by authority of the United States or Canada "within their respective jurisdictions" and with the approval of a joint commission known as the International Joint Commission established by the convention.

I read further from the book:

Save with the approval of the Commission the construction or maintenance of no remedial or protective works or any dams or obstructions were to be permitted by either

contracting party on its own side, if the effect thereof would be to raise the natural level of waters on the other side of the boundary.

Mr. CASE of South Dakota. Mr. President, I have raised the question because I thought the RECORD should show the basis of the belief, which some hold, that the treaty might be breached or violated by this bill.

But the actual determination of whether the treaty or the convention would be breached in any degree should not, in my opinion, be made by the Public Works Committee. I believe that the responsibility of the Public Works Committee was primarily to consider the public-works aspects of the matter, particularly as regards the utilization of the water.

During the hearings on the bill, I stated that I did not believe this international question came properly within the jurisdiction of the Committee on Public Works. I believe it would more properly be considered by the Foreign Relations Committee.

Of course, there are differing opinions in regard to the proper interpretation of the treaty, but certainly it is of record, this year, that the Canadian Government feels the treaty would be violated. A year ago that was not so. At that time there was a letter, which was referred to in the debate, which indicated that a temporary diversion for the purpose of study would not be seriously objected to by the Canadian Government. But this year a different situation exists. A very specific representation was made by the Ambassador of Canada to the State Department of the United States, which I placed in the RECORD the other day. That was done in April. Again, in August, just a few days ago—on the 20th of August—as a matter of fact—the Canadian Ambassador referred again to their note of April 9, 1959, and said he advised our State Department that the Government of Canada explicitly reaffirms the position set forth at length in the above-mentioned note.

So certainly the Government of the United States is on notice that the Canadian Government takes the position the convention would be violated.

In view of that fact, I think that the Committee on Foreign Relations would be within its rights if it should, as has been suggested, through motion made on the floor, ask that the bill be referred to that committee.

Again I should like to say what I said the other day. There is no country on the face of the globe with whom I think it is more important that we maintain a clear, friendly understanding than with our friends to the north, the Canadian Government.

In view of that fact, I would support a motion to refer the bill to the Committee on Foreign Relations.

Mr. LAUSCHE. Mr. President, if I may say this to the Senator from South Dakota, I made it my special business to read the statement which he made the other day, and my reaction to it was to this effect: The Senator from South Dakota believes that the diversion ought to be permitted, but he recognizes the

sanctity of international agreements, and therefore feels this item ought to be referred to the Foreign Relations Committee.

I was greatly inspired by what I read, and may I say to my colleague from Ohio [Mr. Young] that I was uplifted when I heard him so vigorously recommend that the bill should go to the Foreign Relations Committee.

I think we get down to what are plain, simple, human relations—my word made to a fellow man. Our integrity is dependent upon the constancy with which we keep our word. That is true of individuals; and it ought to be more so of nations, because nations represent millions of people, and when governments repudiate their word, they throw an odious reflection upon the people living within those countries.

I have already stated that Canada has said, "We have a convention with you. You are violating it." I have quoted from Hyde's book, which establishes that convention in his views. Yet on the floor of the Senate we are contemplating a repudiation of that agreement.

Now I should like to read, if the Senator will further permit me, what was carried in the Financial Post of Toronto, Canada on August 8. I read from an article published in that paper:

How long will Canada survive as a separate nation?

That is quite a significant question. I continue to read:

Through the free and natural operation of economic forces, day by day Canada's control over her own destiny decreases—and American control increases. It is a situation which too few Canadians know about and which many Canadians don't even like looking at. Few Americans know about it. But John Davis, of British Columbia Electric, recently did a very useful job in setting forth the main facts of this growing Canadian dilemma. He was speaking at a seminar on Canadian-United States relations at the University of British Columbia:

"United States investment in Canada is known to be approaching \$14 billion. It is getting on toward \$1,000 for every man, woman, and child in our 10 Provinces. It is more than three times Canada's total annual investment in new industrial plant and equipment. * * * Even if Canadians devoted all of their personal savings to the task, it would take at least a generation to buy the last American investor out."

At that, the \$14 billion total understates the true magnitudes, Mr. Davis points out. Present market value of United States private investment in Canada is probably around \$20 billion. At the \$1-billion-a-year rate at which book value is rising, it will soon equal our gross national product.

Then come some pertinent questions, and I wish that my colleagues would pay attention to them:

"What would the average U.S. citizen think about a level of foreign investment which was equal to 60 percent of total yearly output of goods and services in 1959?" Mr. Davis asks. "Even in 1914, the highest year on record, it was less than 15 percent of the then national income of the United States." Well over half the profits paid out by Canadian business go to nonresidents. By 1980 the proportion could be 70 percent. As for profits not paid out but reinvested by foreign owners in Canadian undertakings, "their very magnitude may make it impossible for future

generations of Canadians to begin to buy back their national heritage."

Notwithstanding the many economic advantages flowing from United States direct investment here, Mr. Davis says, "Canadians might well ponder the question as to whether a country can have a meaningful, independent existence in circumstances where non-residents hold title to most of the means whereby it earns its livelihood." What would Americans do if British, German, or Japanese capital had similar penetration into their economy? One thing is sure—they would be jumping up and down with agitation and concern.

That is the situation in Canada. They are complaining and groaning. They say, "Now you are wanting to take from us waters which belong to us and which by agreement you contemplated and promised to protect. You want to take them for the purpose of advancing the economic richness of the United States at the expense of the economy of Canada."

I say, the least that we could do is to turn this over to the Committee on Foreign Relations, either with or without instructions, as suggested by the Senator from South Dakota [Mr. CASE] that within a limited time the report shall be made. No Senator on the floor, unless he studies these documents carefully, will be in a position to vote intelligently on this subject. Each Senator ought to have the advice of the Committee on Foreign Relations considering the significance of what is happening.

Mr. YOUNG of Ohio. Mr. President, I express my admiration and gratitude to the distinguished Senator from South Dakota and to my distinguished colleague, the senior Senator from Ohio, for the powerful arguments they have advanced against H.R. 1 and in favor of referring the bill to the Committee on Foreign Relations of the Senate.

Mr. President, without losing my right to the floor, I ask unanimous consent that I may yield to the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

TRIBUTE TO MAJ. GEN. WILLIAM P. FISHER

Mr. BRIDGES. Mr. President, in the Air Force "goodby" is a word seldom used. Men who have served together part with the expectation of serving together again. They look upon their separation as only a temporary thing.

That is the way I choose to look upon the reassignment of Maj. Gen. William P. Fisher, Director of Legislative Liaison for the Air Force. Although he is leaving Washington for McGuire Air Force Base, N.J., where he will command the Eastern Transport Air Force in MATS, I expect to see him returned to Washington for positions of even greater responsibility. His record as a commander and staff officer foretells a promising future in the Air Force. It is a record in which he can take great pride and I ask that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, I take this opportunity to welcome, as the new Director of Legislative Liaison, Maj. Gen. Thomas C. Musgrave, who also brings to the position an admirable array of accomplishments and successes. I know I speak for my colleagues in the Senate, as well as myself, in extending best wishes to Generals Fisher and Musgrave for continued notable achievements and progress. To General Fisher, our thanks for his outstanding service to the Congress.

There being no objection, the record was ordered to be printed in the RECORD, as follows:

MAJ. GEN. WILLIAM P. FISHER, U.S. AIR FORCE PART I. NARRATIVE

William Parker Fisher was born in Atlanta, Ga., on August 11, 1911. His father, Parker William Fisher, a Congregational minister, moved his family several times before Southern Pines, N.C., became their permanent residence. From there he entered North Carolina State College at Raleigh and after an interruption of 2 years, during which he worked at various jobs, he graduated in 1934 with a B.S. degree in mechanical engineering. Long an aviation "bug," he applied for and was selected as an Army flying cadet. In June 1935, he was graduated from Advanced Flying School, Kelly Field, Tex., and on October 1, 1936, he was among the first 50 to be appointed second lieutenant, Air Corps, Regular Army, under the Thomason Act.

Mitchell Field on Long Island, N.Y., was his first duty station and there he remained from 1935 to 1940, first assigned to the 1st Bomb Squadron and then to Headquarters of the 9th Bomb Group. He served successively as pilot of B-10's and B-18's; group bombardier; assistant group navigation officer; and instructor in the group's navigation school.

In March 1940, First Lieutenant Fisher became Base Engineering Officer at Wheeler Field, Hawaii. On his promotion to captain, he became the Commander of the 78th Pursuit Squadron, then flying P-36's and P-40's.

Captain Fisher was made assistant operations officer for the Hawaiian Air Force in May 1941. In September of that year, he, Maj. Emmett "Rosie" O'Donnell and others took part in the epoch-making flight of nine B-17's from Hawaii to the Philippines. For his participation he was awarded the Distinguished Flying Cross.

Major Fisher's "gold oak leaves" were 2 days old when, on December 7, 1941, the Japanese attacked Clark Field and the unit he commanded, the 28th Bomb Squadron of the famed 19th Bomb Group. He wears the Purple Heart for the wound he received during the bombing.

He led the 28th Squadron from Bataan to Mindanao in January 1942, where it was converted to an infantry unit. For more than 2 months he and his men fought the Japanese army before their unit was overwhelmed. Out of the Philippines, Major Fisher was given command of all allied fighter units in East Java. When Java fell in March 1942, he was first evacuated to Australia and then in April 1942 returned to the United States. From then until July 1943, Lieutenant Colonel Fisher was in Headquarters, 3rd Air Force at Tampa, Fla. The following few months he spent with the 58th Bomb Wing.

Wearing his new "eagles," Colonel Fisher took a long, hard "bucket-seat" ride via the South American-African route to China to take charge of the 308th Bomb Group. His B-24's operated under the direct control of Maj. Gen. Claire Chennault of Flying Tigers fame. The 308th Group flew every type of mission in the books—and a few others. It was, in effect, the Strategic Air Force of the China Theater. For service as its commander, Colonel Fisher received the Oak Leaf Cluster

to the DFC; the Legion of Merit and the Air Medal.

Colonel Fisher left his combat command in October 1944, and reported to Washington, D.C., as Deputy to Gen. Lauris Norstad, Chief of Staff of 20th Air Force. He was awarded the Oak Leaf Cluster to the Legion of Merit for his work. Subsequently he served on the Air Staff in Washington, under Gen. Curtis E. LeMay and Maj. Gen. Fred Anderson, until September 1947, when he entered the Air War College, Maxwell Field, Ala.

For approximately a year after his graduation in June 1948, Colonel Fisher was a member of the Air War College faculty. He departed Alabama for Texas in March 1949, to become Commander of the 7th Bomb Wing and Carswell Air Force Base at Fort Worth. Reassigned in January 1950, he moved to Tucson, Ariz., to be commander of both the 43rd Bombardment Wing and Davis-Monthan Air Force Base. The 7th and 43rd Wings were the first two wings of B-36's in the Air Force. When the 36th Air Division was activated there in September 1951, Colonel Fisher was appointed its commander and was promoted to brigadier general the following month.

With all of his experience in bombers, General Fisher was an obvious choice in October 1952, to assume the leadership of Far East Air Forces (FEAF) Bomber Command and the three B-29 wings operating from bases in Japan and Okinawa against targets in North Korea during the last year of the Korean action. For his exceptionally meritorious service in that position he was awarded the Distinguished Service Medal.

Gen. Curtis LeMay called General Fisher in July 1953 to be the Inspector General of SAC at Headquarters. Two years later, in April 1955, General Fisher took command of the newly activated 1st Air Division, and then a year later, on August 7, 1956, he became Deputy Commander, 8th Air Force with Headquarters at Westover Air Force Base, Mass. In that position, on October 24, 1956, he gained the second star of a major general. For his work in the 8th Air Force, General Fisher was awarded a second and third Oak Leaf Cluster to the Legion of Merit.

In Washington, D.C., General Fisher was successively appointed Deputy Director of Legislative Liaison, Office of the Secretary of the Air Force, on April 25, 1958, and Director on June 28, 1958.

As a Command Pilot and Command Observer, General Fisher has flown more than 6,600 hours in jet and conventional aircraft. During World War II and Korea he flew a total of 59 combat missions.

I thank the distinguished Senator from Ohio.

PUBLIC POWER NEEDS OF NORTHEASTERN STATES—RESOLUTIONS

Mr. YOUNG of Ohio. Mr. President, the American Public Power Association, representing over 800 local publicly owned electric utilities, at their annual convention held earlier this year, adopted two resolutions designed to provide the people of the Northeastern States with low cost electricity.

On June 15 of this year, I presented these resolutions to the Senate. It was stated to me that electric power rates in the northeastern region of the United States are the highest in the Nation and that steps should be taken to develop the electric power resources of this entire area, as has been done in other regions.

The average rate for the State of Ohio, based on the use of 250 kilowatt-hours per residential consumer is \$6.96. The entire northeastern area from Avon east to the Pennsylvania border along Lake

Erie is served by the Cleveland Electric Illuminating Co. and the charge of this corporation effective February 15, 1959, is \$7.04.

Vincent M. DeMello, commissioner, division of light and power of the city of Cleveland, writes me that it is true, as I stated on June 15, that the electric power rates in the northeastern region of the United States are the highest in the Nation. The State of Ohio is included in the northeastern region of the United States, but the facts are, I am glad to report, that the rates in Ohio are lower than in some other States in this region. The average stated rate in New Hampshire, being the highest rate in the Nation, is \$8.92, Massachusetts \$8.91, Vermont \$8.90, Rhode Island \$8.74, Maine \$8.51, New York, \$8.10, and Connecticut \$8.

Vincent M. DeMello, commissioner of light and power of the city of Cleveland, reported to me as follows under date of July 21, 1959:

Our resolutions requested Congress to establish a Northeastern Power Administration to include "from the Ohio River Valley to the northeast section of the country" and would, therefore, include Ohio. Ohio's rates are not the highest in the Nation—6.96, but this rate is kept low by the competition the private utilities have to face from 101 municipally owned light and power utilities. For example, in Columbus, Ohio, there is no municipal light plant and the rate is 7.50. In Cincinnati, Ohio where they face competition from Hamilton's muny light plant which has the lowest rate in the State, 5.85, the Cincinnati rate is 6.86.

Compare the above rates with the States where the Federal Government has developed hydro-power and made use of said power for the benefit of the people such as the following State average rates: Washington has the lowest average State rate in the country, 4.53; Tennessee has the State average rate of 4.84; Oregon, 5.40; Alabama, 5.42; Idaho and Georgia, 6.41; Nevada, 6.50 and the all public power State of Nebraska, 6.23. This gives you a general picture of electric rates around the country. You can see why we in Ohio are fighting to keep the electric rates low. There is no reason why we should not obtain low cost electricity from Niagara Falls and there is no reason why the Federal Government should not create a Northeastern Power Administration which would benefit not only New England but Ohio, Pennsylvania, and neighboring States.

It is evident to me on the basis of information furnished by Elmer L. Lindseth, president of the Cleveland Electric Illuminating Co., who is a nationally known and respected authority on private power and a leading citizen of Ohio, that the New England section of the northeastern region of the United States has the highest rates in the Nation and that Ohio and Pennsylvania electric consumers pay smaller residential service bills than electric users in the States I named and in a number of other States.

The Cleveland Electric Illuminating Co. is one of the great corporations of America. Thousands of my fellow citizens have prudently and wisely invested their savings and, as stockholders, are part owners of the CEI, as it is known to all Ohioans.

Elmer L. Lindseth, its president, with the slogan, "The best location in the Na-

tion," has done more for the advancement and really good productive advertising of my home community than any other individual. Thousands of people hold him in the highest admiration, affection, and respect.

Mr. Lindseth, stated in a letter to me:

The eight independent electric utility companies in Ohio this year are spending \$213 million in expansion to meet future needs. Over the next 5 years, more than a billion dollars in all will be spent; and over the next 10 years, the aggregate for new construction will be close to \$2 billion. Certainly this region needs no Federal power projects to serve the needs of the area.

I'm sure we can all feel pride in the fact that it is important because of low cost power that Ohio now stands second in the Nation in "value added by manufacturing"—a key index of the economic health of the State. We can feel equally proud that in the last decade Ohio ranked first among all States in the Nation in industrial plant expansion.

Vincent M. DeMello reported to me further:

Between Cleveland and the Pennsylvania border along Lake Erie, are huge undeveloped areas which could be developed and large industries brought in to give our people jobs and to bring tax relief and other benefits to our communities. Why are not industries attracted to this area which has ample water in Lake Erie and ample transportation facilities both by water and rail and for which the city of Cleveland is willing to provide ample water supply? Why does Diamond Alkali Co. generate their own electricity?

This is the competition we in Ohio must face. It is why we can no longer attract private industry along Lake Erie. Therefore, it is imperative to secure Niagara power for the people of Ohio the same as is enjoyed by certain sections of New York State.

We are not being selfish in trying to bring cheaper electricity into the State of Ohio. We are not concerned as to whether a private utility or a public power agency brings this low cost electricity into our State. If the private utility does not care to avail themselves of hydropower, why should they object to the public power agencies bringing it into the State for the benefit of all of our people?

Mr. President, Brooks Hays, of Arkansas, a former colleague of mine in the House of Representatives, now a member of the Board of Directors of the Tennessee Valley Authority, recently stated that the U.S. Treasury is some \$12 billion richer—not millions, but billions—and the people of the Tennessee Valley area have been saved many millions of dollars in flood damages and the costs of electric service because of the work of the Tennessee Valley Authority.

During the 26 years the TVA has been in existence, economic gains have come to the entire Tennessee Valley area and to people living in neighboring States.

The TVA has served all elements of life in the Tennessee Valley, and, in fact, private utility companies have naturally benefited by TVA operations.

All of us know, Mr. President, that during World War II the Tennessee Valley Authority was a great bulwark in the defense of this Nation against Fascist aggression, and except for the TVA, the

A-bomb and the H-bomb would not have been perfected and the atomic experiments completed as soon as they were.

Since 1937, private electric utility companies have increased and expanded three times from what they were in 1937, when the TVA started its power operations.

May I add that it is a happy personal recollection that I, as Congressman, voted to create the TVA and as United States Senator voted in support of the TVA self-financing bill so that a major region of the United States is not to be handicapped for lack of electric power.

If similar projects would be beneficial to Americans living in other regions of this great country, I would be happy to support them also.

TRIBUTE TO FORMER SENATOR CHAN GURNEY

Mr. CASE of South Dakota, Mr. President, the Yankton Press and Dakotan of my State of South Dakota has a very brief editorial entitled "Tribute to Gurney." It is a splendid tribute to my predecessor in the U.S. Senate.

I ask unanimous consent that the editorial be printed in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRIBUTE TO GURNEY

Yankton's Chan Gurney, a member of the Civil Aeronautics Board and formerly a Senator from South Dakota for two terms, receives high rating as one of the five best members of the Board, in a survey recently conducted by Airlift, monthly publication devoted to affairs in the aviation industry, and published in Washington.

Seeking an answer to the question: "How does the airline industry evaluate the members of the CAB since that five-man agency was created in 1938?" the magazine polled 252 top executives and attorneys among all of the certified airlines. More than 40 percent, or 103, responded with marked and unsigned secret ballots within the time limit specified.

Gurney, who has served on the Board since 1951, was one of the top five named as best members, and one of the two incumbents chosen. The choice was made from a total of 23 men who have served on the Board since it was created.

This is a fine tribute to the Yankton man, and one which his many South Dakota friends know is well merited.

DIVERSION OF WATER FROM LAKE MICHIGAN, AT CHICAGO

The Senate resumed the consideration of the bill (H.R. 1) to require a study to be conducted of the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway for navigation, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry. What is the pending business before the Senate?

The PRESIDING OFFICER. H.R. 1, and the question is on the adoption of the first committee amendment.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I yield the floor for that purpose.

Mr. PROXMIRE. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WILLIAMS of Delaware. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll, and the following Senators answered to their names:

Alken	Fong	Magnuson
Anderson	Green	Mansfield
Bartlett	Gruening	Morse
Bible	Hart	Moss
Butler	Holland	Mundt
Byrd, W. Va.	Jackson	Muskie
Case, N.J.	Javits	Proxmire
Case, S. Dak.	Johnston, S.C.	Sparkman
Clark	Jordan	Stennis
Cooper	Kuchel	Wiley
Dirksen	Lausche	Williams, Del.
Douglas	Long, Hawaii	Yarborough
Dworshak	McCarthy	Young, Ohio
Ellender	McGee	
Ervin	McNamara	

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senators from Connecticut [Mr. DODD and Mr. BUSH] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Oklahoma [Mr. MONROE] is absent on official business attending the Interparliamentary Conference in Warsaw, Poland.

Mr. KUCHEL. I announced that the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], and the Senator from Massachusetts [Mr. SALTONSTALL], are necessarily absent.

The Senator from Indiana [Mr. CAPEHART], and the Senator from New York [Mr. KEATING], are absent on official business.

The Senator from Nebraska [Mr. HRUSKA], is absent on official committee business.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. BRIDGES, Mr. BUSH, Mr. CANNON, Mr. CARLSON, Mr. CARROLL, Mr. CHAVEZ, Mr. CHURCH, Mr. COTTON, Mr. CURTIS, Mr. ENGLE, Mr. FULBRIGHT, Mr. GOLDWATER,

Mr. HAYDEN, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HILL, Mr. KEFAUVER, Mr. KENNEDY, Mr. KERR, Mr. LANGER, Mr. LONG of Louisiana, Mr. MARTIN, Mr. MCCLELLAN, Mr. MORTON, Mr. MURRAY, Mr. NEUBERGER, Mr. PROUTY, Mr. RANDOLPH, Mr. ROBERTSON, Mr. SCHOEPEL, Mr. SCOTT, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, and Mr. YOUNG of North Dakota entered the Chamber and answered to their names, when called.

The PRESIDING OFFICER. A quorum is present.

THE LATE SENATOR JOHN B. KENDRICK

Mr. YARBOROUGH. Mr. President, the late Senator John B. Kendrick, of Wyoming, was born in Cherokee County, Tex., about 20 miles from my boyhood home. Representative W. W. Glass has given us a glimpse of Senator Kendrick's boyhood in a recent article in Barnes Broiles' Jacksonville Daily Progress, the most democratic daily newspaper in Texas and one of the most fearless daily papers in the Nation. W. W. Glass, of Jacksonville, Cherokee County, Tex., a member of the State house of representatives, has served the people of Texas for over a decade and has proven by act and deed over the years that he is a fearless champion of the people's rights in the tradition of Texas' great Jim Hogg. In this article about the late Senator Kendrick, Representative Glass has made a contribution to our early history.

Senator Kendrick made a contribution to the Senate which is being felt to this day. Our distinguished and esteemed colleague from Wyoming, Senator JOSEPH C. O'MAHONEY, whose argument in the Strauss case was one of the Senate's modern landmarks of force and logic, was once an administrative assistant to Senator Kendrick. In turn, the able and diligent junior Senator from Wyoming, GALE MCGEE, was once administrative assistant for Senator O'MAHONEY. The courageous example of the orphan boy from east Texas is reflected in the courageous service for the people so often displayed on the floor of the Senate by the two present Senators from Wyoming.

Mr. President, I request unanimous consent that the article by W. W. Glass, from the Jacksonville Daily Progress of August 16, 1959, entitled "Was Distinguished Senator—Wyoming's Governor Kendrick Born in Cherokee County," be printed in today's CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAS DISTINGUISHED SENATOR—WYOMING'S GOVERNOR KENDRICK BORN IN CHEROKEE COUNTY

(By W. W. Glass)

Some years ago, as I strolled one afternoon through Resthaven, the city cemetery of Jacksonville, I came to a tombstone and grave which caused me to stop, linger, and meditate for many minutes. The tombstone, marked for Rosa Kendrick, brought to my mind a story I had heard years before.

The story: An orphan boy and girl, John B. and Rosa Kendrick, had grown up in the

vicinity of Jacksonville where they lived for a long time with a brother-in-law and sister, Mr. and Mrs. John Phelps.

The girl, Rosa Kendrick, died in early womanhood; but the boy, John B., had in youth gone with a bunch of cowboys driving a herd of cattle over a long trail from Texas to Wyoming. On the trip, he had become critically ill with a fever, and had been forced to ride for days in the chuck wagon, days in which he talked of death with a fear that he would have to be buried in an unknown spot somewhere on the long, lonely trail.

But he survived the trip and later settled in Wyoming. There he developed a cattle ranch of his own, and later became a member of the State senate.

Then he became Governor of Wyoming, and later a U.S. Senator from that State. In the U.S. Senate he served until his death, a period of almost 17 years.

As I lingered at the foot of Rosa Kendrick's grave, I thought how bleak and desolate the future must have seemed to her at times as she wandered over the Phelps' old homestead, the place where two of the children, Lillian and Guy Phelps, still live; how despondent and dejected she must have been at times; how she must have felt at times that she and her orphan brother were children of misfortune, although they found a welcome in a relative's home.

And I thought that she perhaps little dreamed that that orphan brother would years later become a wealthy, successful cattleman, a Governor and finally a distinguished U.S. Senator.

Nor could she ever have dreamed that that brother, in his years of success, would name his only daughter Rosa in her memory, in memory of the orphan sister who had shared his privations in childhood.

As I lingered at the grave of Rosa Kendrick, associations brought other thoughts to mind. I thought of Senator Kendrick's colleague from Wyoming in the U.S. Senate, Frances E. Warren, and of the tragedy that befell his family.

Senator Warren's daughter, Helen, had in young womanhood married a young army officer, a graduate of West Point, John J. Pershing. Later Pershing reached the very top in the military world.

During World War I he was the Commanding General in charge of the American and Allied Forces in Europe, a position similar to that held by General Eisenhower in World War II. And during World War I Pershing's fame equaled, perhaps even surpassed, that given to Eisenhower in World War II.

Yet just a few years before Pershing's great fame, Helen Warren Pershing and her three daughters perished in a fire. They never lived to see the acclaim given to either Pershing or Senator Warren; for Senator Warren himself later became Chairman of the Committee on Foreign Affairs and one of the most powerful men in the United States.

Mr. YARBOROUGH. Mr. President, in this article it is pointed out how the late Senator Kendrick of Wyoming, an orphan boy, was brought up by relatives in Cherokee County, in the pinelands of east Texas. His mother died at an early age. He went up the cattle trail to Wyoming, contracted a fever en route, but survived it, and settled later in Wyoming. He had a very distinguished career as a great cattleman on the Great Plains. He later became a member of the Senate of the State of Wyoming, and later Governor of that State. Then he served as a Member of this body for 17 years. The connections of the two present Senators from Wyoming with him are a lasting tribute to his contributions.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Wyoming.

Mr. McGEE. I wish to say to my colleague from Texas that we in Wyoming are proud to have had the opportunity to share with Texas this great man, the late Senator John B. Kendrick. We were always grateful that we had the phenomenal period in the history of this country known as the long drive that produced the cattlemen of the 19th Century, because in that truly American era we produced the circumstances that brought John B. Kendrick from Texas to Wyoming.

Senator John B. Kendrick was the architect, really, of the modern Democratic Party in the State of Wyoming. When he got into the State legislature as a Democrat, there were no Democrats in major State or National office. As a result, his success, first in 1910, to be translated later into the governorship and then membership in the U.S. Senate, marked the upsurge in interest in democracy in our area. But he was more than just the architect of the Democratic Party in Wyoming. John B. Kendrick was more than a Wyoming Senator. I do not suppose any man has ever epitomized more the symbol and the cause of the West than has Senator Kendrick.

Senator Kendrick was not just a Wyoming Senator; he was truly a western Senator. Some of his family still live in Wyoming. His original ranch near Sheridan is a part of the holdings of his son, Manville Kendrick, who still resides there. There are other descendants of Senator Kendrick, of whom the State is still proud, who are scattered all over. But of John B. Kendrick we believe the very best was given, and to the rest of us the very best was received.

Senator Kendrick was an inspiration to my senior colleague, JOE O'MAHONEY, and through JOE O'MAHONEY, to me.

I have heard from my colleagues on the floor of the Senate that he remains to those still here who remember him an inspiration to them in guiding their conduct on the floor of this body.

I thank the distinguished junior Senator from Texas for having brought this matter to the attention of the Senate today.

Mr. YARBOROUGH. Mr. President, I thank the distinguished junior Senator from Wyoming for the comments he has made on the inspiring career of the orphan boy, John Kendrick, who went up the trail to Wyoming, where, on the Great Plains of the West, his early training evolved into the great leadership which he gave to the government of Wyoming and to this body.

We are proud he spent some of the formative years of his life in that area of east Texas which produced Jim Hogg, O. M. Roberts, and John H. Reagan, two of our greatest Texas statesmen. The majority of those in Texas who have been called "statesman" by the historians of Texas have come from that relatively small area of the State, the

area where John Kendrick was born and spent his boyhood.

I desire to pay tribute, too, to the great State that saw the great possibilities in him and gave him the honor of leadership.

Walter B. Webb, in his book "The Great Plains" pointed out that through the 1870's, the 1880's, the 1890's and the 1900's and thereafter for two generations, every progressive governmental movement in America came from the Great Plains. Wyoming was the first State to give to the Nation woman suffrage. Webb asks, "What was in the spirit of that land that caused governmental progress in that era to come out of the Great Plains area of America?"

John Kendrick, coming from the most democratic area in Texas, and going into the most progressive area in the United States on the Great Plains, to a State which had already adopted woman suffrage, did much for progressive government in Wyoming and in America, and that combination of environment and self-training gave this body such a unique statesman.

I thank the distinguished junior Senator from Wyoming for his contribution.

CHINESE COMMUNIST ASSAULT ON INDIA

Mr. KUCHEL. Mr. President, it is deeply distressing to read on the news ticker that Prime Minister Nehru of India has announced that Chinese Communist forces have invaded northern India.

On Wednesday of this week, it is reported, 200 Chinese Communist troops recrossed the border into the North East Frontier Agency. In skirmishes with Indian forces, they established a number of border posts. Prime Minister Nehru also revealed that such aggression had taken place as early as August 7 in the same area, but the invading troops from the north had returned to their own territory until this week.

The North East Frontier Agency, Indian territory, lies directly south of Tibet and close to the Indian protectorates of Bhutan and Sikkim. Mr. Nehru has repeatedly warned the Communist Chinese, in recent weeks, that aggression on these feudal states of Bhutan and Sikkim will be considered aggression against India.

The Indian Ambassador at Peiping has lodged an official protest with the Chinese Communist Government; and Prime Minister Nehru has ordered Indian military forces to defend the invaded areas.

Apparently this new Communist aggression is two-pronged. Back in July the Chinese Communists occupied the Stangura area of Kashmir's Ladakh territory, and actually captured—for a time—an Indian reconnaissance group sent to investigate. The Peiping Government has not yet replied to the Indian protest on that occasion.

Thus we see a coordinated aggression on both flanks of Tibet. The North East Frontier Agency lies south of the still bleeding Buddhist Kingdom recently

ravaged by the Communist Chinese, and Ladakh lies directly to the west.

Reports claim that the Chinese Communists themselves have claimed that Indian forces attacked them in the NEFA area and that they are merely fighting back in self defense. This is an old Communist cry, Mr. President, and it will not be believed, as it should not be believed, particularly since it involves, this time, a peaceful nation, the Republic of India, which has remained steadfastly neutral despite past serious provocations from her huge and menacing Red neighbor.

All peace-loving peoples will strongly approve of Mr. Nehru's forceful response to the Communist invasion, and our hearts and prayers go out to him and to his people, all of whom love freedom as do we.

These new attacks, Mr. President, cannot be properly evaluated at this time. They may represent mere temporary skirmishes, another segment of that continual and seemingly never-ending prodding action of the Communists to probe the free world defenses, to determine what resistance or what weaknesses they may find. This necessity of waiting until the situation clarifies itself before it can be effectively analyzed by us and by our free world friends, and then dealt with, is accentuated by the extremely rough, mountainous terrain of the area and the lack of communications, also, of the area in question.

I am particularly concerned over the fact that this aggression occurs at a time when the Chinese Communists—by self-admission now, Mr. President, in grave trouble economically—are launching a new artillery offensive in the Formosa Strait, and, so far as we know, are continuing their military pressures on the unhappy state of Laos.

During President Eisenhower's visits in Europe and prior to the planned visit of Mr. Khrushchev to this country, these events have a sobering effect on all our efforts seriously and honestly to negotiate with and consult with the Communist bloc, to win what the President describes as a peace with honor and with justice all around the globe. These events should enable the American people and all freedom-loving peoples, as Mr. Khrushchev comes to America, to look realistically and soberly on any easy friendliness which his visit might superficially inspire.

Mr. President, we must vigorously explore every reasonable and honorable hope for peace. That includes exchanges and conversations with the Soviets, to give them every chance of providing with deeds, as the President says, a demonstration of peaceful intent.

These new and saddening incidents in northern India provide us with the vivid reminder of the traditional Communist practice of force in international relations and of America's and of the free world's unyielding policy to contain it.

Mr. President, I suggest that the Soviet Government and its leader, prior to his departure for his visit to America, should make crystal clear to all the

world Russia's position on India's charge of Chinese Communist aggression and deceit.

EXCHANGE OF CERTAIN MORTGAGES FOR GOVERNMENT BONDS

Mr. CLARK. Mr. President, a week ago last Thursday, August 20, after an elaborate debate and by a vote of 56 to 29, the Senate adopted a resolution stating it was the sense of the Senate that certain transactions involving FNMA mortgages and low interest Federal Government bonds should not be consummated.

On Tuesday, August 25, pursuant to unanimous consent previously given, the distinguished minority leader [Mr. DIRKSEN] entered in the RECORD, at page 16913, a statement with respect to the action the Senate had taken on the previous Thursday. That statement contains certain omissions of material fact and certain inaccuracies—both, I am sure, quite inadvertent—which I believe should be corrected for the permanent RECORD.

I had hoped that these remarks could be made while the distinguished minority leader was on the floor, but, after having attempted unsuccessfully for the last 2 days to find time mutually convenient to both of us, when I could get the floor, the Senator from Illinois graciously agreed this morning that if I could get the floor today I might proceed, even though he were not in the Chamber.

Mr. President, the first important omission in the statement of my good friend from Illinois—I refer to my good friend the minority leader from Illinois, I will say, since I see my distinguished friend the senior Senator from Illinois [Mr. DOUGLAS] turn around. I can assure the senior Senator I am afraid nothing I have to say will be of any interest to him, although I hope it will be.

Mr. President, the first omission I should like to bring to the attention of the Senate is that the junior Senator from Illinois [Mr. DIRKSEN] quoted rather extensively from comments made by the senior Senator from Florida [Mr. HOLLAND] and the senior Senator from Ohio [Mr. LAUSCHE], apparently attempting to convey the impression that these two Senators were opposed to the resolution.

The fact of the matter is that both the senior Senator from Florida [Mr. HOLLAND] and the senior Senator from Ohio [Mr. LAUSCHE] voted in favor of the resolution, after certain language to which they objected had been deleted. I think for the RECORD it is only fair to state that the comments of the Senator from Illinois [Mr. DIRKSEN] would have given the casual reader a quite different impression.

The second statement to which I take exception, made by the distinguished minority leader is:

The astonishing fact is that in the debate last Thursday these three stated reasons for opposing the exchange were scarcely mentioned.

Mr. President, anyone who wants to look at the record of the debate, starting on page 16506 of the RECORD for August 20, 1959, will find that the three reasons in support of the resolution were, first, the obvious loss to the Federal Government of income on mortgage loans; second, the perceptible loss of tax revenues to the Government; and, finally, the adverse effect the transaction would have on the home mortgage market.

I took the floor in support of the resolution, as can be seen from page 16508 of the RECORD, and held it continuously for well over an hour, during which time I debated these three reasons at great length. I engaged in a colloquy with respect to the first reason with the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. BENNETT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New York [Mr. JAVITS], and several other Senators.

Thereafter, I discussed the second reason in support of the resolution, as appears at page 16512 of the RECORD, and engaged in a colloquy with the senior Senator from Illinois [Mr. DOUGLAS], the junior Senator from Alabama [Mr. SPARKMAN], and again with the Senator from Oklahoma [Mr. MONRONEY].

On page 16514 I debated at some length the third reason in support of the resolution and introduced a number of exhibits in the RECORD in support of the proposition that the mortgage market would be adversely affected if the resolution were agreed to.

Mr. President, I think that establishes conclusively the fact that the three reasons were adequately debated, and I suggest for the RECORD that the summary of the debate given by my friend the junior Senator from Illinois is not exactly accurate.

Finally, Mr. President, I should like to point out that it was testimony from an administration officer, the president of FNMA, Mr. Baughman, and the Assistant Secretary of the Treasury, Mr. Baird, which convinced the Senate Banking and Currency Committee that the first two reasons were sound, and it was the testimony from the Home Builders Association which convinced the committee that the third reason was sound.

Mr. President, it is said that only a woman wants to have the last word. Perhaps this is not the last word on the subject, but at least I have made an effort to correct the RECORD. Perhaps we should all agree now that the milk is spilled, and we should stop crying about it.

Mr. President, I turn now to another subject, the pending bill.

Mr. PROXMIRE. Mr. President, will the Senator yield before leaving that subject?

Mr. CLARK. I gladly yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator repeat the statement of the junior Senator from Illinois, the distinguished minority leader, with regard to

this? I missed that at the beginning of the Senator's remarks.

Mr. CLARK. On page 16913 of the RECORD for August 25, pursuant to unanimous consent previously given, the Senator from Illinois introduced into the RECORD a rather elaborate attack on the resolution and the action by the Senate, which I felt contained a number of omissions and inaccuracies, which I have just been in the course of attempting to set straight.

Mr. PROXMIRE. Yes. I am simply asking whether or not among these charges made by the junior Senator from Illinois was one that there was inadequate consideration and discussion.

Mr. CLARK. Yes. The Senator from Illinois said:

The astonishing fact is that in the debate last Thursday these three stated reasons—

I interpolate, the reasons as stated in the resolution why it should be adopted—

were scarcely mentioned. Instead, the burden of the attack was that this exchange was some kind of questionable "deal."

Then the Senator from Illinois excerpted, I personally think a little bit out of context, some of the relatively strong language which the Senator from Oklahoma had used in condemning the position of the administration with respect to the resolution.

Mr. PROXMIRE. Mr. President, if the Senator will yield further, I should like to say that I was present during the entire hearings on this matter at which Mr. Baughman and Mr. Baird testified. I was present during the entire debate, and as I recollect it, and as I think any prudent, fairminded person would have to agree who has read the record, this was a very responsible and careful discussion of the issues that were involved in the resolution. On the part of the proponents of the resolution, the debate seldom, if ever, to my knowledge, left those three principal issues, and I thought that it was one of the most comprehensive and effective discussions right on the point that I can recall since I have been in the Senate. I thought the senior Senator from Pennsylvania, who, of course, was the author of the resolution and was the leader in the debate, did an excellent job of keeping the discussion on the issue.

Of course, the senior Senator from Pennsylvania delivered the principal speech. He held the floor, as he has said, during most of the discussion on this issue, and the Senator from Oklahoma [Mr. MONRONEY], the Senator from Tennessee [Mr. GORE], and others who took part in this discussion, including the senior Senator from Illinois [Mr. DOUGLAS], confined themselves, to the best of my knowledge, almost entirely to the precise provisions that were in the resolution, and did not depart from them at all.

Furthermore, they were temperate with regard to the President. I am a little amused, but I am disappointed, when our good friends in the Republican Party insist that we are demeaning the office of the Presidency or are somehow

attacking the motives of the President, in view of the way they treated Franklin D. Roosevelt, in view of the way they treated Harry Truman, and in view of the fact that, in my experience, the Members of the Senate have been most respectful to President Eisenhower. I am sure there is not a single statement in the entire debate that called into question the President's motives, that called into question the President's integrity, that called into question the President's character or sincerity.

Mr. CLARK. I thank my friend for his support of my position, for which I am very grateful indeed.

I made an earnest effort to keep partisan politics out of the debate. Perhaps we did not entirely succeed.

DIVERSION OF WATER FROM LAKE MICHIGAN, AT CHICAGO

The Senate resumed the consideration of the bill (H.R. 1) to require a study to be conducted of the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway for navigation, and for other purposes.

Mr. CLARK. Mr. President, with regard to the pending bill. I rise in opposition to the bill with some regret, because of my deep friendship for my good friend, the senior Senator from Illinois.

I would like to state three principal reasons why I cannot bring myself to support the proposed legislation. The first is economic, and has to do with the situation in the port of Erie, Pa., one of the Great Lakes ports which will be affected, at least to some extent, by the legislation, if the bill is adopted.

I should like at this point, if I may, Mr. President, to request unanimous consent to have printed in the RECORD a telegram from Arthur J. Gardner, mayor of the city of Erie, expressing strong opposition to the proposed legislation.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ERIE, PA.

U.S. Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

As mayor of the city of Erie, Pa., I again wish to enter a protest against proposal to divert additional waters from Lake Michigan for the Chicago area. The city of Erie, the Commonwealth of Pennsylvania, and private interests have invested millions of dollars in waterside facilities in this part of the State and believe usage of these facilities would be endangered by increasing water diversion from the Great Lakes. I strongly request defeat of the proposed legislation.

Mayor ARTHUR J. GARDNER.

Mr. CLARK. Mr. President, next I offer a telegram from Edward E. Greene, chairman of the Port Commission of the City of Erie, objecting to the passage of the pending bill, and ask unanimous consent that it may appear in the RECORD at this point in my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ERIE, PA.

U.S. Senator JOSEPH CLARK,
Senate Office Building, Washington, D.C.:

Port Commission of Erie, Pa., vehemently protests proposal for water diversion in-

crease from Lake Michigan for Chicago. We have developed facilities at costs of several millions of dollars. Believe they should be protected. Private interests have even greater investments. Please present our views to the Senate.

EDWARD E. GREENE,
Chairman, Port Commission, City of Erie.

Mr. CLARK. Mr. President, I also offer for the RECORD at this point a telegram from Mr. Joseph Meagher, executive editor of the Erie Times papers, requesting me to oppose the bill as detrimental to the city of Erie, and I ask unanimous consent that it may appear at this point in my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ERIE, PA., August 26, 1959.

Senator JOSEPH CLARK,
Senate Office Building, Washington, D.C.:

It is important to the future of Erie, only Pennsylvania-St. Lawrence Seaway and world port, that the Chicago diversion bill be defeated. Should this bill pass, it would undo the more than \$2 million in State and Federal funds given Erie to build its port facilities. Lowering the lake level by even 1 inch would seriously jeopardize Erie's future. It would mean our harbor would have to be again be deepened at excessive Federal cost, and would turn away shipping which is just now beginning to make Erie a regular port of call. Our economic future is dependent on the steady growth of our port and the Chicago diversion bill would do incalculable harm. We urge you fight and vote against H.R. 1.

JOSEPH MEAGHER,
Executive Editor, Erie Times Papers.

Mr. CLARK. Mr. President, I myself do not consider this to be a partisan matter.

Mr. PROXMIRE. Mr. President, will the Senator yield on the insertions he has just made?

Mr. CLARK. In just a second, if the Senator will permit me to finish these remarks.

I think the debate in the Senate so far indicates that this is not a partisan matter, but I do point out for the RECORD that Mayor Gardner, of Erie, is a Democrat, and the Erie Times newspapers are strongly Republican.

So, as far as the city of Erie is concerned, I believe that all elements in the community are united in opposition to the bill.

I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, a charge has been made by those who favor the bill that the opponents are misled, that they do not understand the issues, that they are not qualified to speak on the bill, or are complaining about something that is so trivial in its damage as to be negligible or ridiculous.

I should like to ask the senior Senator from Pennsylvania whether those who have communicated with him are, in his judgment, thoughtful, responsible people who would speak on the basis of an understanding of the situation, or whether it may be that they might not have accurate information or would not be in a position to understand what the situation is.

Mr. CLARK. Mr. President, I know them all personally, and I can assert

that they are high-grade gentlemen, men of integrity, who sincerely believe that what they say is true.

I must say that I am not an engineer. I have listened with interest to some of this debate, and I know that the proponents of the legislation are of the view that the leaders in the Erie community are unduly alarmed about the harm the diversion could do to them.

All I can say is that these people are on the spot. Erie is their city. They are very much concerned in getting their share of the great expansion of traffic which will result from the opening of the St. Lawrence Seaway. They feel themselves in keen competition with other Great Lakes ports, and they believe that the enactment of the bill would hurt them. I must honor their position, because, despite my great regard for my dear colleague, the senior Senator from Illinois, I represent these people in Erie. They think they are going to be hurt, and I have not been convinced that they are not.

Mr. PROXMIRE. I think the Senator from Pennsylvania is correct. While, of course, a mayor or a newspaper editor may not be an engineer or may not be technically qualified, the fact is that the Public Works Committee consulted with a number of qualified, dispassionate, objective witnesses. Every one of the qualified, objective experts, without exception, testified that this diversion, which is opposed by the people of Pennsylvania, Wisconsin, Oregon, Washington, and New York, is unnecessary to the study which is the heart and soul of the bill. Those qualified engineers are objective and have no personal interest in the question.

Mr. CLARK. I thank my friend for his interjection.

But opposition to the bill in Pennsylvania is not confined to the port of Erie. There appears in the record, under date of April 30, 1959, page 324 of the hearings, a letter addressed to me by Hon. David L. Lawrence, the Governor of Pennsylvania, expressing his objection to the proposed legislation and urging me to oppose it.

I ask unanimous consent that Governor Lawrence's letter be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 30, 1959.

HON. JOSEPH S. CLARK, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to call to your attention the very serious adverse effects upon Pennsylvania of H.R. 1 which was passed by the House and has been referred to the Senate Committee on Public Works. This bill would permit the Metropolitan Sanitary District of Chicago to divert out of the Great Lakes an additional 1,000 cubic feet per second of water for a period of 12 months.

At the present time, the Metropolitan Sanitary District diverts 2,500 cubic feet per second from the Great Lakes Basin pursuant to a decree of the U.S. Supreme Court, in addition to diverting an unknown quantity of water for domestic pumpage. The right to divert domestic pumpage is now being tested before the U.S. Supreme Court by

the Commonwealth of Pennsylvania and the other Great Lakes States. This diversion is not minimal. The present diversion is equal to the average flow of the entire Delaware River. The additional diversion which would be authorized by this bill would lower the level of Lake Erie $1\frac{1}{2}$ to 2 inches. While this may appear to be but a slight matter, it would affect adversely all riparian landowners and seriously interfere with the operation of the port of Erie. Much effort and money have been expended to maintain a deep channel at this port. The lowering of the lake level vitiates this work.

Moreover, the lowering of the lake level would result in a loss of 1 to $1\frac{1}{2}$ million tons of shipping each year for each inch by which the lake level is lowered. The Great Lakes barges, which carry so much of the commerce of this region, are loaded to the nearest inch. Consequently, the maintenance of lake levels is of utmost importance to the shipping industry and the commerce of the Great Lakes area. This commerce is a significant factor in Pennsylvania's economy.

The lowering of the lake level also affects the power potential at Niagara. Since a large section of Pennsylvania will be among the preferred users when the hydroelectric power is developed, this potential loss of cheap power also affects Pennsylvania adversely.

The purpose of this bill is entirely to save the Metropolitan Sanitary District of Chicago the expense of proper sewage treatment. The diversion is not needed for navigation or flood control. It will confer no benefit upon any other Great Lakes community, but, on the contrary, will damage all of them to some extent.

The diversion of water, one of our most precious natural resources, out of its watershed area in order to benefit some other area, constitutes a new and dangerous principle of law.

With kindest personal regards, I am,

Very truly yours,

DAVID L. LAWRENCE,
Governor of Pennsylvania.

Mr. CLARK. The chief legal officer of the Commonwealth of Pennsylvania has also forwarded a statement in opposition to the pending bill, and has also written me asking me to oppose the proposed legislation.

Our attorney general is a somewhat unique, but much beloved character. She is a former judge of the court of common pleas in Allegheny County. I believe she is one of the very few women learned in the law who have become attorney general of a State. I ask unanimous consent that the statement of Attorney General Anne K. Alpern to the Committee on Public Works of the U.S. Senate, which appears at page 322 of the hearings, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATEMENT OF ATTORNEY GENERAL ANNE K. ALPERN, PRESENTED TO THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE

The Commonwealth of Pennsylvania is opposed to the passage of either H.R. 1 or S. 308, which would permit the diversion of water from Lake Michigan by the Metropolitan Sanitary District of Chicago. The Honorable David L. Lawrence, Governor of the Commonwealth of Pennsylvania, in opposing H.R. 1 before the House of Representatives, submitted the following statement which reflects the views of this State:

"The Commonwealth of Pennsylvania is strongly opposed to the passage of H.R. 1. This bill, introduced by Mr. O'BRIEN of Illi-

nois, would permit the Metropolitan Sanitary District of Chicago to divert out of the Great Lakes an additional 1,000 cubic feet per second of water for a period of 12 months. At the present time the metropolitan sanitary district is diverting 1,500 cubic feet per second of water pursuant to a decree of the U.S. Supreme Court in addition to an undetermined quantity of water for domestic pumpage. This total diversion would be equivalent to the entire average flow of the Delaware River.

"Approximately 20 percent of the Nation's economy is to be found in the Delaware Basin service area. This entire area is dependent upon the flow of the Delaware River for domestic and commercial uses. The peak flow of the river in January 1959 was only 3,400 cubic feet per second. The average flow is 2,000 cubic feet per second. A greater amount than this is being taken out of the Great Lakes every day by the metropolitan sanitary district. None of this water is being returned to the watershed to which it rightly belongs.

"For the Congress to permit an additional diversion of water which would equal the flow of one of the mighty rivers of this land is to deprive the people of the Great Lakes area, the industries, the domestic and recreational users, and the governments, of one of their most valuable natural resources. While the amount of the water to be diverted in comparison with the entire volume of the Great Lakes may not appear to be large, the damage it would inflict upon the Great Lakes States is enormous. This total diversion would lower the level of Lake Erie as much as $1\frac{1}{2}$ to 2 inches. This would adversely affect all riparian landowners and seriously interfere with the operations of the Port of Erie. Much effort and money have been expended to maintain a deep channel at this port. The lowering of the lake level vitiates this work.

"The diversion confers an unearned benefit upon the metropolitan sanitary district to the great detriment of the other ports on the Great Lakes. It also adversely affects the commerce on the Great Lakes. The lowering of the lake level results in a loss of more than 1 million tons of shipping each year for each inch by which the lake level is lowered. The barges which carry so much of this region's commerce are loaded to the nearest inch. Consequently, the maintenance of lake levels is of utmost importance to the Great Lakes' economy and to the economy of Pennsylvania. The lowering of the lake level also affects the power potential at Niagara. A large area of Pennsylvania will be among the preferred users of the hydroelectric power developed there. Any loss of power is, therefore, a loss to these Pennsylvania consumers.

"On behalf of Pennsylvania, I urge that this measure be defeated."

In addition, the U.S. Supreme Court, in an order handed down on June 29, 1959, ordered a reopening of the entire controversy and appointed Hon. Albert B. Maris, U.S. senior circuit judge, as special master to hear the matter. We feel that all parties will have the fullest and fairest opportunity to present their positions in this proceeding and that action by the Congress would be highly inappropriate at this time. The Constitution contemplates that controversies among the States be settled in the U.S. Supreme Court. We ask only that this procedure be honored in this case.

Mr. CLARK. Mr. President, I believe I express the almost unanimous feeling of the people of the Commonwealth of Pennsylvania when, as their Senator, I oppose the pending bill. However, there are two other reasons why it seems to me, looking at the question impartially, and without regard to the position of

the port of Erie, the proposed legislation would be unwise.

The first is that I do not believe that the legislature is the proper tribunal in which to determine how much water should be taken from a common pool—probably the biggest common pool in the world, the Great Lakes of America—for the benefit of one of the riparian users, over the objections of others equally entitled to water. This seems to me, as a lawyer, to be fundamentally and primarily a justiciable matter for determination by the courts.

It cannot be successfully argued that there is no readily available judicial tribunal prepared to deal with this question, because the Supreme Court of the United States, on June 29, 1959, appointed a special master in litigation dealing with this very subject. The task of the special master is to determine the extent to which, under all the circumstances, the proposed diversion by Chicago would be in accordance with law and in accordance with the rights of others who border or abut on the Great Lakes.

It so happens that the special master is a distinguished Pennsylvanian, Albert B. Maris, who formerly served on the Circuit Court of Appeals for the Third Circuit, which comprises the States of Delaware, New Jersey, and Pennsylvania.

Judge Maris has spent the better part of a lifetime in extraordinarily able service on the Court of Appeals of the Third Circuit, and I know of no more objective, well balanced, and able jurist than Judge Maris, to deal with this problem.

I should think that in the calm of a courtroom hearing before an experienced jurist, this question could be far better decided in the public interest than it could be in the atmosphere of the House and Senate, where—unfortunately—so many rationales, so many motivations, and so much of the argument and determination, are based upon considerations other than the strict equities of the case.

It may well be that, as a Senator from Pennsylvania, I give undue influence to the opposition of the mayor of Erie, my Governor, the attorney general of the State, and the newspapers. Such pressures, if one wishes to call them that, would not be imposed upon a jurist determining this question as a court would determine it, without regard to the swings of public opinion and pressures which inevitably—and probably quite properly in most instances—affect the judgment of legislative bodies.

So my second reason for opposing the bill is that we should leave the question to the judiciary, where it is now pending.

My final reason—and I suspect the most important one of all—is based upon a position which I believe I would be compelled to take even if Erie did not front on the Great Lakes, and even if Erie were not attempting to develop to the utmost its opportunity as a result of the completion of the St. Lawrence Seaway. I refer to the implication with respect to our foreign affairs. It seems

to me that we have no more valuable ally in the world than the Dominion of Canada. Unfortunately—and I say this without any undue partisan motive—our relations with the Dominion of Canada have deteriorated conspicuously during the past 6 years.

At the present time we are engaged in negotiations with the Dominion of Canada relating to the Columbia River and its waters. We are in a situation in which I firmly believe it would be unwise further to erode our relationships with our good neighbor to the north by enacting unilaterally and without its consent—and, it is said, in violation of two treaties—proposed legislation to which the Dominion so strongly excepts, as has been made clear by other Senators who have discussed the problem.

It seems to me that at the very least we should send this problem to the Foreign Relations Committee, in order that it may take a look at it, not from the point of view of whether Chicago, in order to properly dispose of its sewage, should take more water out of Lake Michigan, but from the standpoint of what the bill would do to our relationships with the Dominion of Canada. I would feel very reluctant to support the bill, regardless of the other arguments against it, unless the Foreign Relations Committee should come back with a report which made it very clear that there would be no damage to our relations with the Dominion of Canada.

There is perhaps another reason which I should mention in closing: Everybody appears to agree that this matter needs further study. The bill itself calls for a study. The city of Chicago has been diverting a substantial amount of water from Lake Michigan for a great many years. Why is it not wise, at the very least, to adopt the amendment which I understand the distinguished senior Senator from Michigan [Mr. McNAMARA] will offer, to strike out the provision for diversion and to go ahead with the study? Why should we anticipate the results of the study before we know what they are? For these reasons, I find myself compelled to oppose the bill.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. PROXMIRE. I am delighted to hear the Senator speak of Judge Maris. I did not know who Judge Maris was when he was appointed. He follows the great Charles Evans Hughes, who had a similar responsibility, as I understand, as a special master appointed by the Supreme Court, and who did extremely competent, objective, and fair work some years ago.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CLARK. As a matter of interest, Judge Maris is a former law partner of my colleague, the distinguished junior Senator from Pennsylvania [Mr. SCOTT].

Mr. PROXMIRE. That is another indication that Judge Maris is a man of high competence.

The Senator from Pennsylvania, I believe, has made an extremely compelling and important point which has been

overlooked generally in the debate, not only this year, but in past years, that a dispute over riparian rights among different States, involving extremely complicated legal problems, and some very complicated technical problems, cannot be decided in Congress with anything like the equity with which it can be decided in the courts; not that Members of Congress are not persons of good judgment, honesty, and integrity, but because there are so many other matters which take their time.

Frankly—and I shall speak frankly and bluntly about this—there is no question that in many issues political considerations have to be given weight—and I think they should be given weight many times—particularly when a matter of the interest of economic groups is concerned. Every Senator must arrive at what he believes are the fair and just equities when political matters come before him for a vote.

This proposal is not anything like that. This is a matter of a simple decision based upon legal and technical understanding and judgment.

I submit that men of the caliber of Charles Evans Hughes and Albert Maris, who I understand was the senior judge of his circuit at the time of his appointment—

Mr. CLARK. No; he was not the senior judge. Judge John Biggs was the chief judge, or senior judge. Judge Maris retired under the retirement laws available to the judiciary. He served on the bench for, I should say, 25 years.

Mr. PROXMIRE. Perhaps he had been the senior judge before he retired.

Mr. CLARK. He might have been.

Mr. PROXMIRE. At any rate, he is a man of very great judicial experience. The Supreme Court has appointed a man of established competence. Such a man, listening to all the testimony, is in a position, as the Court made sure, to subpoena all the necessary records. The order provides that:

He is hereby appointed special master in each of these causes, with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The master is directed to hold hearings with all convenient speed, and to submit such reports as he may deem necessary.

That was the way the situation was solved back in 1930 under the great Judge Hughes; I submit it is the way in which it should be solved today.

Mr. CLARK. I think the Senator from Wisconsin is quite correct in that regard.

We in Pennsylvania have another precedent to which I call the Senator's attention. It has to do with the utilization of the waters of the Delaware River. Some years ago the States of New York, New Jersey, Delaware, and Pennsylvania attempted to enter into an interstate compact to determine how the waters of the Delaware River should be utilized. Unfortunately, as I think, my State, which at that time was under different political leadership than it is today, refused to ratify the compact. The State of New York, which was determined to take water out of the headwaters of the Delaware to use for drinking purposes in

New York City, brought suit in the Supreme Court of the United States. A river master was appointed. As a result of testimony and a survey, he directed that the State of New York should be permitted to take from the headwaters of the Delaware a certain number of gallons of water, or a certain number of millions of cubic feet of water a day, as I think it is expressed today.

The result was the city of New York built enormous aqueducts and reservoirs up on the headwaters of the Delaware and is today diverting from the Delaware River Valley an enormous amount of water for the people of New York. This was done, however, under the judicial process, within the jurisdiction of the Supreme Court of the United States, and after careful testimony before a river master. I suspect that if this had been done by political action, the animosity which would have been aroused as a result of that political action would have left wounds which would not have healed to this day. Yet now it is almost impossible to get into an argument as to whether the city of New York is not entitled to take this water, because the question has been judicially determined that New York is entitled to it. This, I suspect, is a good precedent for what should be done in the Great Lakes area.

Mr. PROXMIRE. Mr. President, I wish to comment on the third point which the Senator from Pennsylvania raised; namely, our foreign relations. I should like to ask him a little about them, because I think few people realize how very deeply and strongly Canada feels about this matter. This is not simply a matter of a pro forma protest; it is a matter of very, very deep concern to Canada. I think few persons realize the attitude in Canada toward the United States. It is an entirely different attitude, psychologically, from the attitude of the United States toward Canada. The United States is the big, dominant power. Our investments in Canada are immense. Many Canadians work in industries which are owned by Americans. The United States takes a tremendous amount of income out of Canada and makes great investments in Canada. Under those circumstances, there is bound to be a situation which is psychologically quite different.

I think any realist who looks at the returns of the last election in Canada will recognize that one of the reasons why Mr. Diefenbaker was elected was that he insisted on nationalism and independence in Canada from the big United States, a willingness to stand up for Canada, to insist to the last letter upon the sovereignty of Canada, and to take whatever action was necessary to assert the sovereignty of Canada.

Recognizing that situation, and reading the language of their memorandums on this diversion issue, it seems to me that any person would have to come to the conclusion that Canada is deadly serious about this. It is not simply a matter of offending a fine neighbor; it is a matter of a fine neighbor who has the power to damage us very greatly, not only in the Columbia River Basin, but as

I shall show a little later, when I get the floor, very seriously in the St. Lawrence, in a way which has not been brought out fully before.

Mr. CLARK. I thank the Senator from Wisconsin. I find myself in substantial agreement with him. I am one who believes that much of a Senator's strength comes from his staff. While I have been on my feet, my staff has pointed out two inaccuracies in my statement as I was speaking. I ask that the RECORD be corrected to show that it is Judge Albert B. Maris to whom I was referring; and also, although perhaps it is too late to have the RECORD corrected, Canada is not a Dominion, but is an independent member of the Commonwealth of British Nations. I convey my apologies to my Canadian friends for my having used so obsolete an expression.

Mr. PROXMIRE. Mr. President, both my very good friend the senior Senator from Illinois [Mr. DOUGLAS] and the outstanding chairman of the subcommittee of the Public Works Committee [Mr. KERR] who was responsible for the committee report are strong proponents of the pending bill. I have tried to question them in regard to the committee report and in regard to the amendments which have been submitted—including the pending amendment. Although the Senator from Illinois [Mr. DOUGLAS] has been willing to answer briefly, and the Senator from Oklahoma [Mr. KERR] at somewhat greater length, both of them have had to leave the Chamber, to go to lunch, after we really got started with the questioning. It seems that, somehow or other, questions from this Senator make them hungry. I hope the senior Senator from Illinois will be able to overcome that situation. [Laughter.]

I also hope he will be able to assume an attitude somewhat different from that implied by the beautiful sentiment he expressed the other day, when he said he was adopting the attitude of Ferdinand the Bull, and would simply sniff the sweet flowers, but would not engage in combat.

Inasmuch as I do not now see him rising to participate in the debate, I shall have to proceed. However, I wish the RECORD to show clearly that when I now refer to the Senator from Illinois, I do so in his presence; and certainly he is as able as any man I know to take care of himself.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Lay on, Macduff. [Laughter.]

Mr. PROXMIRE. I thank the Senator from Illinois.

Mr. President, the other day, after I asked the senior Senator from Illinois a question about the meaning of the language of the amendment we are discussing, he replied by saying that, as a kind of triple-deck Ivy Leaguer, I should be able to read and to understand the language used in the amendment.

Mr. President, since then, I have had occasion to refer to the biographical

sketch of the senior Senator from Illinois [Mr. DOUGLAS], as it appears in the Congressional Directory. In the course of the debate to which I have referred, he spoke of himself as a son of the plains and a plain Illinoisan. However, upon reading his biographical sketch in the Congressional Directory, I find that he is a graduate of Columbia University, which is about as Ivy League an educational institution as it is possible to find. Not only that, but I find that he is a Ph.D. from Columbia.

Mr. President, when the Senator from Illinois talks about "triple-deck Ivy Leaguers," a Ph.D. is exactly that. A B.A. is the first deck; an M.A. is the second deck; and a Ph.D. is the third deck.

So the senior Senator from Illinois [Mr. DOUGLAS] has achieved the great distinction of possessing a Ph.D. degree, and thus he is a triple-deck Ivy Leaguer through and through.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I do not intend to assist the Senator from Wisconsin in his filibuster—

Mr. PROXMIRE. Mr. President, this is no filibuster. I am coming to that point next. I have a book, of some 300 pages, on the filibuster; and I should like to read that book to the Senator from Illinois, to prove that this is not a filibuster. [Laughter.] But I will not do so.

Mr. DOUGLAS. Mr. President, the reference which has been made to degrees suggests a comparison which might lower the temperature in the Chamber and give all of us a good laugh. It is sometimes said that the degree B.S. has a self-evident meaning attached to it; that the degree M.S. means "more of the same"; and that the degree Ph.D. means "piled higher and deeper."

Mr. PROXMIRE. I thank the distinguished Ph.D. who has just addressed the Senate. [Laughter.]

Mr. President, the Senator from Illinois spoke as "a son of the plains." However, the fact is that the Senator from Illinois was born in the great, aristocratic State in which Bar Harbor is located—to wit, Maine. He grew up in Maine; he was educated in Maine. Thereafter, as I said, he completed his education at Columbia University, with the kind of Ph.D. he has just described; he, himself, has just now explained what it means.

The Senator from Illinois has accused the Senator from Wisconsin of engaging in a filibuster. Except for attempting to answer the allusions and the diversions of the Senator from Illinois, the Senator from Wisconsin has done his level best to confine his remarks to this bill and to discuss this bill, and has not discussed anything else, except when the Senator from Illinois referred to the Ivy League or to Ferdinand the Bull or to the qualities or characteristics of Ferdinand the Bull, or to similar things.

At any rate, the junior Senator from Wisconsin wishes to assure the Senator from Illinois that the junior Senator

from Wisconsin will continue to discuss the pending bill as fully as he can.

But if the Senator from Illinois insists on calling this a filibuster, let me say that I have had my staff obtain from the Library of Congress all the material it has on filibusters.

It has a great deal of material; and I think it might be edifying to the Senate for it to hear a full discussion of the filibuster, because of course this is an extremely important issue in the Senate.

Since I did not bring up the issue of the filibuster—on the contrary, the Senator from Illinois did—perhaps it would be desirable for us to go into a lengthy discussion and consideration of this matter, because it does in his judgment though not in mine pertain to this bill.

Mr. HART. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield to the Senator from Michigan.

Mr. HART. I thank the Senator from Wisconsin for yielding.

Let me say that once before, during the course of this debate—and I must admit I had to leave the floor before the discussion of that point had been concluded—reference was made to the educational background and qualifications of certain Members who have engaged in this debate.

I am sure that long before any person in this Chamber had obtained a doctorate, all of us were exposed to geography. Whether in the middle of the 20th century that subject is still taught under that name, I do not know. But before we become involved in a debate in regard to filibusters, I wish to be sure that all of us have a basic understanding of the topographical and the geographical features of the basin which is known as the Great Lakes Basin.

I shall make this point particularly because earlier in the debate the distinguished senior Senator from Illinois [Mr. DOUGLAS] commented on the fact that I had said I can sit on the front porch of my home on Mackinac Island—which is on what is known as the East Bluff—and can look out over the waters and, for the life of me, I cannot tell whether I am looking at Lake Michigan or at Lake Huron.

The senior Senator from Illinois pointed out that regardless of whether I could tell that or not, the international boundary line is 37 miles to the east of my front porch; and, therefore, assuredly when I look at the waters within sight of my porch, I look at something that is not Canadian.

Of course, Mr. President, the difficulty is that whatever it is that makes up water cannot understand this business of an international line any better than I can as I sit on my front porch.

Before any one of us dismisses lightly the point the senior Senator from Ohio [Mr. LAUSCHE] has been emphasizing—namely, the attitude of Canada—I believe all of us should look again at the map which is displayed in the rear of the Chamber.

The senior Senator from Oklahoma [Mr. KERR] has repeated the proposition that when we speak of Lake Michigan, we are speaking of property of the

United States; that at no point does Lake Michigan bound the Dominion to our north.

My point is that if waters are diverted from Lake Michigan, the international boundary line 37 miles east of Mackinac Island will not retain for the Dominion of Canada the waters of Lake Huron.

None of us has to be a doctor of geography, metaphysics, or anything else in order to understand that point; we simply have to have progressed in our educational experience to the point of studying in the fifth grade, I would guess, or perhaps the sixth grade; and when one has progressed that far in the educational field, he is able to recognize a map when he sees one and is able to understand some of the things that are shown on a map.

In the present case, regardless of whether we come from Montana, Louisiana, Maine, or Michigan, we do know that if Lake Michigan is tilted and if its waters are poured out—for whatever purpose, whether to clean sewage out of some city, or to bring more acres of land into cultivation—the Dominion of Canada, its people, and its Government very genuinely have reason for alarm. They would be in real trouble, I would think, if they had not some understanding about this. Their great difficulty comes from the fact that they thought they had an understanding with us.

I would not pretend to be a practitioner of international law, but I have heard opinions expressed on the floor of the Senate to the point that neither the treaty of 1909 nor the treaty of 1950 would be violated or jeopardized by the tilting of Lake Michigan. I think the imperative thing for us to understand is that the people of the Dominion of Canada believe that it would be, and I, as a newcomer here, perhaps overstate my feeling when I say I am appalled that we could seriously discuss action which this best of neighbors, in language which, accepted as diplomatic, is brutal, has told us, "You do violence to our written agreement."

Again, I am not qualified to judge the applicability of these two treaties—

Mr. PROXMIRE. If the Senator will desist for a moment at that point, I should like to state it is my understanding that the distinguished Senator from Michigan is a former U.S. district attorney and legal adviser to the Governor of Michigan. If the Senator is not qualified, which Senator is qualified? I make that point because the modesty of the Senator from Michigan prevents him from making that statement.

This is a complex matter. It is a matter for specialists in this kind of law. But on the point the Senator from Michigan makes, that the people of Canada and the Government of Canada feel very, very strongly about this, I think anybody, whether he is a lawyer, as the Senator from Michigan is, and a distinguished one, or a nonlawyer, as the Senator from Wisconsin is, can concede that this matter is important, because we may lose much if Canada is put in a position where she can justifiably, as has been demonstrated, and as will be demon-

strated, do very serious harm to our country.

Mr. HART. Indeed. Because of the difficulty which attaches to a judgment on a question of international law or treaty, all of us would want to have the assurance that at least the committee of this body which has primary concern and responsibility in that field should guide us in a way that will avoid a breach of word and have an opportunity to study and report to the Senate.

I sense there are those in this body who have voted favorably for the bill in the Public Works Committee who have been careful to explain that their position goes only to the point of the area of consideration assigned the Public Works Committee, and that they reserve judgment with respect to the treaty question.

Mr. PROXMIRE. Let me say at that point that a majority of the Public Works Committee, which worked so hard over this bill, very obviously, favor this bill's going to the Foreign Relations Committee.

Mr. HART. It is not at all surprising, in view of the strong assertions which have been made by our Dominion neighbor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. Is the Senator from Michigan willing to yield?

Mr. HART. I appreciate very much this opportunity, and I merely make this point. The geography is not very complicated, and the map is here. I think anyone looking at the map of Lake Michigan realizes that through the straits at Mackinac these waters intermingle, and that the waters which are joined at the Straits of Mackinac bound our Dominion neighbor, and that is the reason why this matter is of great concern to that neighbor.

Mr. PROXMIRE. I have heard the debate on this question this year and last year. I have studied the record. I have studied the CONGRESSIONAL RECORD. I have studied the debate in the other body. I have never heard this point made with such absolute clarity and with such convincing quality as the Senator from Michigan has made it.

I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I suggest that a very important phase of this discussion has been dealt with in the last 5 minutes, and that is, With what degree of certainty can we here on the Senate floor, based on the information that is in our hands, speak on the meaning of the treaty that is involved? The Senator from Michigan is a lawyer. There are other lawyers on the Senate floor.

Mr. PROXMIRE. May I say, because I know the Senator from Ohio is too modest to qualify himself, that the Senator from Ohio is not only a lawyer, but a distinguished former judge, who has spent much of his life in the law, and has a thorough understanding of the meaning and the philosophy of the law.

Mr. LAUSCHE. I thank the Senator very much, but those who have practiced law and have tried to interpret contracts,

and especially anyone who will look at this treaty, will be fooling himself and fooling the Senate if he attempts to declare with certainty what the exact meaning of that document is. On that basis, the least we can do is refer the bill to the Foreign Relations Committee and allow the committee to call in the legal advisers of the State Department and other experts to discuss the treaty paragraph by paragraph or article by article.

The Senator from Wisconsin has said that the Senator from Ohio is a former judge. I am a former judge, and one thing I learned: When any lawyer came before me and attempted to speak in an air of absolute infallibility on any item, I suspected him.

That is one of the phases to which we have been subjected on the Senate floor—members of the Public Works Committee finally advising the Senate what the treaty means and what course shall be followed with respect to it.

I think the Senator from Illinois, with all of his philosophic learning and the degrees which he possesses, will agree with me that there was once a famous Greek who said, "I am wise because I do not know, and I know that I do not know; and you are a fool because you do not know, and think that you do know."

That is the situation which in a large degree is prevailing on the floor of the Senate.

Mr. HART. Mr. President, I assume, from the silence of the Senator from Illinois, that the translation given by the Senator from Ohio is precise and accurate.

Mr. LAUSCHE. It was not directed at anyone. I hold the Senator from Illinois in the highest esteem, and I want to say to him that I believe, to a degree exceeding that of anyone on the Senate floor, when there are personal considerations of the State involved, he seeks to do justice. I can see that in this case he disregards the State Department, disregards the Department of Health, Education, and Welfare, disregards the Department of the Army, and disregards the Bureau of the Budget. He casts aside their advice and states that it is meaningless.

My analysis of that is that those departments have no purpose to serve Ohio or Wisconsin or Illinois. They are attempting to advise us honestly and properly what we should do.

I wish to say, with respect to the junior Senator from Illinois [Mr. DIRKSEN], can anyone imagine the Senator on the Senate floor urging the adoption of the bill, when the President of the United States states, through all of his departments, it is bad and dangerous so far as international relationships with Canada are concerned, in other circumstances? The Senator from Illinois [Mr. DIRKSEN] ordinarily would be calling upon every ingenuity which he possesses to have the bill defeated, but Illinois is involved, and so the Senator capitulates to the demands of his own State, and in a measure—and I say it respectfully—abandons the interests of the Nation and the interests of the people as a whole.

The Senator from Michigan [Mr. HART] has tried to point out how interwoven the Great Lakes system and the St. Lawrence Seaway are. For the first time in my life, since I came onto the Senate floor, have I heard the argument made that Lake Michigan was a separate and independent body of water and that it did not comprise a part of the Great Lakes as a body. I do not know whether there are any students in the Senate today, but any Senator who has studied the Great Lakes I am sure knows they are spoken of as the Great Lakes, and Lake Michigan is a part of the Great Lakes. Senators can look at the almanac and can look at textbooks and everywhere, and they will find them spoken of as the five Great Lakes.

For the purpose of the argument on the Senate floor it is said, "Lake Michigan is not a part of the Great Lakes."

If we cut off Lake Michigan, as the Senator from Michigan [Mr. HART] said, what will happen to Lake Erie? What will happen to Lake Ontario? What will happen to the St. Lawrence Seaway? It would be like cutting off the circulation of the blood in the body. The body would die. So all the usefulness of Lake Erie, of Lake Ontario, and of the St. Lawrence Seaway, would atrophy. They would become far less useful without Lake Michigan.

Mr. PROXMIRE. Mr. President, will the Senator desist at that point for a minute. I have in my hand a publication on variations in Great Lakes levels, by the Corps of Engineers, dated in February of 1952. On page 5 is a statement:

Lakes Huron and Michigan are in effect one lake, referred to as Lake Michigan-Huron by hydraulic engineers. The connection through the Straits of Mackinac is so broad and deep that there is no perceptible flow between the two lakes and their surfaces stand at the same elevation.

Mr. LAUSCHE. Is that the Army report?

Mr. PROXMIRE. The report of the Corps of Engineers, U.S. Army, Great Lakes Division.

Mr. LAUSCHE. I ask the Senator from Wisconsin if that is the expert, unbiased study made by the Corps of Engineers on this diversion problem. Is that the report filed in 1957?

Mr. PROXMIRE. No. This is a report filed in 1952. It pertains to variations in Great Lakes levels.

Mr. LAUSCHE. Will the Senator please read that language again?

Mr. PROXMIRE. Yes. I shall read it again. It is in a report which does not have any purpose except to explain the variations of the lake levels.

Mr. LAUSCHE. Yes.

Mr. PROXMIRE. It states:

Lakes Huron and Michigan are in effect one lake, referred to as Lake Michigan-Huron by hydraulic engineers. The connection through the Straits of Mackinac is so broad and deep that there is no perceptible flow between the two lakes and their surfaces stand at the same elevation.

Mr. LAUSCHE. Yes.

Mr. PROXMIRE. The point the Senator from Michigan was making earlier, and the point the Senator from Ohio was making so emphatically and clearly, it

seems to me, is corroborated by the expert, qualified observation and assertion of the Corps of Engineers.

Mr. LAUSCHE. Mr. President, while we are discussing this subject, I should like to read further from the textbook I have drawn upon several times in this discussion, which is Hyde's International Law. This deals with how the Dominion of Canada and the United States propose to settle disputes.

I should like to read what this distinguished expert stated. I will begin where it may seem disconnected, but I will tie it in:

No further uses or obstructions or diversions (in addition to those previously permitted or thereafter to be provided for by special agreement) affecting the natural level or flow of boundary waters were to be made except by authority of the United States or Canada "within their respective jurisdictions" and with the approval of a joint commission known as the International Joint Commission established by the convention.

In other words, no diversions or dams or any artificial changes in the natural flow of the waters were to be made except by the authority of the United States or Canada and with the approval of a joint commission known as the International Joint Commission.

Save with the approval of the Commission the construction or maintenance of no remedial—

And this is a remedial project—

or protective works or any dams or obstructions were to be permitted by either contracting party on its own side, if the effect thereof would be to raise the natural level of waters on the other side of the boundary. It was declared to be expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream should not be appreciably affected.

This is another subject of argument:

The amount to be diverted from that river within the State of New York above the Falls of Niagara "for power purposes" was expressly limited.

Next we come to the International Joint Commission:

To the International Joint Commission to be composed of six Commissioners (three to be appointed in behalf of each party)—

That is, the United States and Canada—

was given broad jurisdiction in cases involving the use or obstruction or diversion of waters. The following rules or principles were adopted for its guidance. Each party was to have on its own side of the boundary similar and equal rights in the boundary waters. The following order of precedence was to be observed among the various uses enumerated, and no use was to be permitted which might tend materially to conflict with or restrain any other use given preference over it in that order:

This author then begins to enumerate the priority that was to be considered by the Commission:

1. Water for domestic and sanitary purposes.
2. Uses for navigation, including the service of canals for the purposes of navigation.
3. Uses for power and for irrigation purposes.

The point I am trying to make is that this International Joint Commission has been vested with the responsibility to deal exactly with what we are trying to deal with in Congress.

Mr. PROXMIRE. I yield to the Senator from Michigan.

Mr. HART. Mr. President, I desire to propound a question, and I acknowledge, in doing so, that I am a newcomer and perhaps I am overwrought about the fact that a friendly foreign nation is protesting; I ask whether or not it is a frequent occurrence. Does it happen often that the Senate of the United States continues to discuss an action which a good neighbor is advising us breaches faith, or is this an extraordinary situation?

Mr. PROXMIRE. In reply to the Senator from Michigan, I should like to quote the Canadian note of April 9, 1959, which said in part:

Because of the importance attached by the United States and Canada to the honoring of international undertakings in letter and in spirit, the Government of Canada views with serious concern any possible impairment of agreements and undertakings relating to the Great Lakes Basin.

And then they say this:

Furthermore, the alarms created by repeated proposals for diversion which inevitably disturb the people and industry of Canada are a source of profound irritation to the relations between our two countries which we can ill afford.

This is the fourth time since 1954 that Canada has been offended by the Congress of the United States either passing this legislation or bringing it up.

Mr. HART. Yes. Of that I am aware, that the Dominion of Canada insists that to divert Lake Michigan water would violate a solemn obligation of this Nation.

My curiosity goes to this question: Except for this proposed Lake Michigan diversion, how often have we been told that what we are about to do, or that which is proposed, or what we are urged to undertake, is an action which would violate a similar written agreement?

In the knowledge of the Senator from Wisconsin or the Senator from Ohio, both of whom have been here far longer than I, have we ever been faced with this problem before?

Mr. PROXMIRE. As I recollect, the Senator from Michigan came to this body only a year later than I, but I have been unable to discover any precedents for what is proposed. There may have been, but I know of no similar circumstances in which we have simply disregarded not only the protests of a friendly foreign power, but the specific recommendations of the Secretary of State, who tells us that this is a wrong thing to do, an improper thing to do. Of course, there are no partisan politics involved. I recall no similar situation in my very limited knowledge, but I do have some knowledge of the history of this country and I can recall none.

Mr. HART. If the Senator from Wisconsin would yield to the Senator from Ohio, I would be curious to know his experience about it.

Mr. PROXMIRE. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have been on the Foreign Relations Committee for only 7 or 8 months, but at no time do I recall that a protest of that type has come from any friendly nation. I have read about protests from the Soviet Union. I think it would be advisable to have the staff of the Foreign Relations Committee gather and report to us the number of instances in which countries with which we have had friendly relations, with whom we say we are living in amity, tell us that we are about to steal their property and that they do not want us to do it.

Mr. PROXMIRE. I think that is an excellent answer to an extremely cogent point that has been made, and it is another reason why, as was recommended by the majority of the members of the Public Works Committee who considered this bill and recommended it, the matter should go to the Foreign Relations Committee.

Mr. President, last night the Senator from Michigan and I wrote a letter to each Senator in which we expressed the hope that an amendment which will be offered sometime later by the senior Senator from Michigan [Mr. McNAMARA] will be favorably considered. I understood it would be offered today; perhaps it will be at some other time.

What this amendment would do, Mr. President, would be to delete the 1-year diversion provision from H.R. 1. It provides for the study. It provides that the Federal Government shall pay for the entire study. It provides for a completely fair study, a study that is approved, as I shall show, by all of the agencies involved, as being completely adequate; but it would delete the diversion provision.

I would like to read to the Senate this letter, which is quite brief:

We hope you will support the McNamara amendment which would provide for the study in H.R. 1, but remove the 1-year diversion. This amendment will be offered Friday.

We feel the case for the McNamara amendment has solid merit for these reasons:

Four Federal agencies were consulted on this bill as experts. Of the four agencies consulted, every one without exception indicated that the 1-year diversion was either unnecessary or undesirable or both.

The Department of the Army declared that the Department has already submitted a report printed as Senate Document 28 of the 85th Congress evaluating the effect of the diversion.

Since the Army has already made its report, it is clear that the additional diversion will be of no value to it. Therefore adoption of the McNamara amendment eliminating the diversion from the study would delete a provision of the bill unnecessary to the study in the judgment of the Corps of Engineers.

The Department of Health, Education, and Welfare stated, according to the report of the majority of the Public Works Committee, page 6: "The opinion that completion of a satisfactory study of the sanitary problems of the Metropolitan Sanitary District of Greater Chicago would be feasible without additional diversion over the amount now authorized."

Mr. President, as I shall point out shortly, I think that just cuts the heart out of the case for a 1,000-cubic-foot-per-second diversion from Lake Michigan. The letter continues:

The Department of State (according to the majority of the committee, p. 6, Committee Report on H.R. 1) "voiced the belief that enactment of this legislation would adversely affect our relations with a friendly foreign government, and therefore was unable to support it." The one reason this legislation is opposed by Canada is because it provides for additional diversion of water from the Great Lakes and the St. Lawrence watershed for 1 year. Clearly the position of the State Department is on the side of the McNamara amendment.

The Bureau of the Budget (according to the majority of the committee, p. 6, committee report on H.R. 1) "recommended against enactment" of the bill, and recommended "a full technical study of the sewage treatment problems of the Metropolitan Sanitary District of Greater Chicago to be undertaken and financed jointly by the Public Health Service and the sanitary district without any actual increase in the present diversion of water from Lake Michigan." Of course, this is exactly what deletion of additional diversion in the McNamara amendment provides.

Except that the McNamara amendment would be more generous to Chicago and provide that the Federal Government would pay for the entire cost of the study, as is provided now in the bill. So it is in this sense that it would delete the diversion.

The letter continues:

It is in this sense a Budget Bureau amendment—

That is, the McNamara amendment is a Budget Bureau amendment. The letter continues:

SUMMARY

All four of the Federal agencies consulted by the Public Works Committee agree that the additional diversion is unnecessary or undesirable or both. No representative of a Federal agency favored the additional diversion.

The two agencies responsible for making the study—the Department of the Army and the Public Health Service—agree that the additional diversion is unnecessary. The State Department says they will not support the additional diversion because the bill adversely affects our relations with a friendly foreign power. The Bureau of the Budget flatly opposes the bill and recommends precisely the kind of study—without diversion—which would be provided by the McNamara amendment.

Mr. President, since that letter was written I have had a chance to study the majority committee report more thoroughly than I did before, and I do not think I have ever read a report of any committee which more fully documents the case against the bill than this majority report.

I should like to strengthen this letter by reference to the majority report, and I think I can strengthen it very greatly.

In the first place, on page 13, in a quotation from a letter written by Wilber M. Brucker, Secretary of the Army, to the chairman of the Committee on Public Works, is this statement:

A report entitled "Effect on Great Lakes and St. Lawrence River of an Increase of 1,000 Cubic Feet per Second in the Diversion at Chicago," printed as Senate Document

No. 28, 85th Congress, contains data pertaining to the effect of increased diversion on Lake Michigan and on navigation on the Illinois Waterway.

This is what the Army said:

Accordingly, legislation is not necessary to obtain data in relation to those items.

It is important that the Senate know that it was not the interpretation of the Senator from Wisconsin or any other opponent of the bill that a previous report which had been filed made this legislation unnecessary. It was the statement of the Secretary of the Army himself, who said:

Accordingly, legislation is not necessary to obtain data in relation to those items.

They are the only items the bill provides should be studied.

In the second place, on page 14 of the committee report, the position of the Public Health Service is made even more emphatic. I wish to call to the attention of the Senate the fact that during all the years this study has been conducted, it has been clear to those who have had an opportunity to listen to the proponents and consider the merits of the proposed legislation that the only real argument for this bill, or similar bills which have been introduced before, is based upon the health, safety, and welfare of the people of Chicago and the Metropolitan Sanitary District of Chicago.

Goodhearted, generous Senators have supported the bill in the past, but they have been mistaken. They have supported it because they have been goodhearted, because they have felt that human welfare and human health must come before any considerations of navigation, power, monetary advantage, or anything else. That is why I believe that many people who have had an opportunity to consider this question only in a cursory way have been swayed by the arguments of the senior Senator from Illinois and other proponents of the bill. But, Mr. President, a vote for this bill is not humanitarian in any way.

The fact is that the authority on health is the Public Health Service. The fact also is that in all the years of testimony on the bill the proponents of the bill have been unable to obtain a single public health expert—not one—to testify that the proposed diversion would improve the health of the people of Chicago. As a matter of fact, in 1947, the most comprehensive and definitive study ever made of Chicago's health was made by the Public Health Service and others, in collaboration with the distinguished doctors and medical authorities in Chicago. They came to the conclusion that no additional water should be diverted from Lake Michigan until recommendations made in the definitive study referred to were carried out, recommendations which have not been carried out completely to date.

Although, of course, every Senator, if he is a human being, must be motivated by sympathy and by a desire to help those whose health is endangered, I believe that the way to help them is by securing the advice of doctors and qualified Public Health experts. The proponents of the bill have not been able

to produce a single witness to testify that the proposed diversion would improve, benefit, or serve the health of the people of Chicago.

On the other hand, the Public Health Service has made the following statement with respect to House bill 1 and its companion bill S. 308. I quote from page 14 of the committee report. This is a letter from Arthur S. Flemming, Secretary of the Department of Health, Education, and Welfare, to the chairman of the Committee on Public Works. This is what Mr. Flemming writes:

Our comment on this bill has been prepared in the light of the points raised and the generally adverse position taken in the July 1, 1959, letter from the Budget Bureau on S. 308. This Department is in agreement with the recommendations made in the July 1 letter. We believe that a study of the sanitary problems of the Metropolitan Sanitary District of Greater Chicago would be feasible without an increase in diversion. From the point of view of water pollution control additional diversion over the amount now authorized is not absolutely necessary for the completion of a satisfactory study.

"Not necessary." This is the qualified authority, which has no ax to grind, no partisan reason to be influenced in any way. The agency was asked for an opinion. It stated that the proposed diversion, which Canada protests vehemently, which a number of States protest, and which might endanger economy of the northwestern part of our country, is not necessary to the only purpose the proposed legislation could serve.

Mr. Flemming continues:

It should be noted, however, that the Budget Bureau proposal is for a study which would be limited to a study of the sanitation and sewage treatment problems of the District and the Illinois Waterway. Unlike the study proposed in S. 308—

Which is the same as H.R. 1—

it would not include an exploration of the effects of an increased diversion of water from Lake Michigan into the waterway other than as one possible means of correcting existing and future sanitation problems in the area—and as such an alternative means of correction, increased diversion would be evaluated in terms of comparable costs and effectiveness.

Those words are extremely important, because what the Budget Bureau is proposing and what the Public Health Service is approving, is a fair study, a study that would not provide water diversion for a year and a study of such diversion on a practical basis, together with a theoretical study—some kind of sample study—of aeration, and then some kind of theoretical study of chlorination. This contemplates a study of all alternatives on an equitable basis, without the proposed diversion, which the Public Health Service says is not necessary.

I continue to read from Mr. Flemming's letter:

Authorizing legislation designed to carry out the Budget Bureau study recommendation should, therefore, carefully limit the Department of Health, Education, and Welfare responsibilities to matters which are within the scope of Public Health Service present responsibilities and competence.

This is exactly the kind of study that can best serve the people of Chicago and

of all the Great Lakes region. The qualified experts agree. There is not a Chicago doctor who is qualified who can be brought down to testify to the contrary. The authorities agree that the way to make this study is the way the Public Health Service and the Budget Bureau say it should be made, without additional diversion. I am sure that that kind of legislation would be passed unanimously, so far as the opponents of the bill are concerned. I do not know of anyone who would oppose it. Canada would have no reason to oppose it.

I read further from the letter of Mr. Flemming:

The study authorized might well be described to include: (1) an analysis of the present and projected future water quality of the Illinois Waterway under varying conditions of streamflow and waste treatment and disposal; (2) an evaluation of municipal and industrial waste treatment and disposal practices including storm water overflows within the Metropolitan Sanitary District of Greater Chicago; (3) an evaluation of water quality needs of the entire Illinois River Basin; and, (4) alternate means of solving sanitary problems, including additional treatment measures. A 3-year period—to begin after funds become available—should be allowed for completion of the study and an additional 6 months for the correlation of the results thereof with the Secretary of the Army and the preparation of the Secretary's final report to the Congress.

This is what the Senator from Michigan intends to propose in his amendment. It makes all the sense in the world. It would satisfy Canada. It would satisfy Wisconsin, Vermont, New York, Oregon and Washington. There would be no objection to it. Every expert insists that it would solve the problem just as well, from the standpoint of the people of Chicago.

Mr. Flemming goes on to say:

If the study is to be of maximum use in the solving of sanitary problems, it would be necessary for representatives of this Department to have access to all public and private sources of pollution, treatment, and disposal facilities, systems, and records, and authority to observe operations and practices in connection therewith.

At a later date, when the proponents of the bill are available for questioning, I should like to ask them whether this authority is provided in the bill before the Senate. It seems to me that the bill would be deficient if such authority is not provided. From the comment of the Secretary of Health, Education, and Welfare, such a provision is necessary if an effective study is to be made. Such authority should be provided. I know of no such amendment to the bill. I ask the proponents to state whether there is such an amendment.

I shall read one further statement from the letter of Mr. Flemming. It is most emphatic and goes to the heart of the bill. It seems to me it is a reason all by itself, no matter what the other arguments may be for the bill, why there should not be additional diversion. Mr. Flemming says:

In the event that the responsibility for financing any Federal costs is to rest solely in this Department, it is most important that the authorizing statute make clear the

necessity for additional appropriations for this project.

So far as I know, such provision has not been provided in the proposed legislation. That is another important objection to the bill. There is no evidence that I know of that the authority rests solely in the Department of Health, Education, and Welfare, although the man who will be responsible for making the study said it should be. I think we should have an answer from the proponents of the bill as to why that authority is not provided.

The Bureau of the Budget also was consulted. The Bureau of the Budget, in the Executive Office of the President, had this statement to make on the bill, in a letter dated June 1, 1959, addressed to the chairman of the Committee on Public Works, signed by Phillip S. Hughes, Assistant Director for Legislative Reference:

The Bureau of the Budget must recommend against the enactment of S. 308.

That bill, of course, is the same as H.R. 1.

However, there is an avenue of further exploration which may prove fruitful, i.e., a full technical study of the sewage treatment problems of the Metropolitan Sanitary District of Greater Chicago to be undertaken and financed jointly by the U.S. Public Health Service and the sanitary district without any actual increase in the present diversion of water from Lake Michigan. We visualize that such a study would attempt to determine existing sanitary conditions in the Illinois Waterway and extrapolate future conditions based on anticipated population growth.

The study would also explore alternative means of correcting the problems, including a possible increased diversion of water into the Illinois Waterway, the effect of which should not be difficult to calculate, and evaluate the alternatives in terms of cost and effectiveness. Such a study is considered feasible by the Public Health Service, and if acceptable we would strongly recommend that your committee consider legislation to authorize it.

Again, I say, this seems to me to be a fair way to accomplish the study.

In the letter which the junior Senator from Michigan [Mr. Hart] and I wrote to all Senators last night we also refer to the position of the State Department. This position was made clear in the testimony before the Committee on Public Works in a statement by Mr. Woodbury Willoughby, Director of the Office of British Commonwealth and Northern European Affairs. I read the entire paragraph in which this statement was made:

Neither the Niagara Treaty nor the International Joint Commission orders relating to the development of power by the United States and Canada in the International Rapids section of the St. Lawrence River place any specific limitation upon diversions of the type authorized by H.R. 1.

That is exactly the position which the proponents of the bill have been taking. That is what they have been asserting over and over again. The State Department says that may be true; but then they go on to say—and this is the critical issue:

Nevertheless, the Department is not in a position to question the Canadian position that an additional withdrawal of water from

the Great Lakes Basin such as that under consideration would affect adversely Canadian navigation and power interests in the Great Lakes, their connecting channels, and the St. Lawrence River.

I submit that if the State Department is not in a position to question that, then what Senator is? Senators are taking upon themselves a terrific responsibility.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. Can the Senator from Wisconsin imagine how delighted Queen Elizabeth must be to recall her visit to Chicago, which gave that city the biggest day in its history? She must be bobbing up and down with joy to realize that hardly had she left Chicago when the leading representatives of that city were doing everything within their power to break an ironclad agreement which our country has with Her Majesty's Government. That is surely one way to cement our foreign relations. I think this is an insult to the Queen.

Mr. PROXMIRE. The Senator from Vermont is correct. As I recall, Chicago was the city selected by the Queen of England to be honored by her gracious presence. I had hoped that the Queen might visit Milwaukee. But we were not so honored. The Queen went to Chicago. She graced and honored that city. The people of Chicago turned out in large numbers to greet her. They were delighted by her presence.

The Queen having honored the city of Chicago, she is now being rewarded in this fashion.

Mr. AIKEN. I think that when she reads the CONGRESSIONAL RECORD, as she probably will, she will decide that "Big Bill" Thompson represented the sentiment of Chicago, after all.

Mr. PROXMIRE. I am not certain that the Queen reads every word in the CONGRESSIONAL RECORD.

Mr. AIKEN. She may read it by proxy.

Mr. PROXMIRE. I can think of worse fates, but not very many. At any rate, I agree with the excellent argument made by the Senator from Vermont. There is no question that Chicago and the entire country were honored by the visit of Queen Elizabeth and the very gracious way in which she spent the time she did in Chicago.

Queen Elizabeth is also Elizabeth, the Second, by the grace of God, of the United Kingdom and Canada, and of her other realms and territories, Queen.

Mr. AIKEN. And she is a most gracious Queen, too.

Mr. PROXMIRE. She is. It is very unfortunate and sad that she is being insulted under these circumstances and in this way by a disregard by the committee of the position taken by the Canadian Government, and of the advice of our own State Department experts on this matter.

The position of the Canadian Government has been referred to by other Senators before, but one has to refer to page 20 of the report—and it is still the report of the majority—in order really to appreciate, and fully appreciate, how

strongly and deeply the Government of Canada feels about this. I shall read from a note of the Canadian Government, signed by the Ambassador of Canada, dated April 9, 1959, and addressed to the Hon. Christian A. Herter, Acting Secretary of State:

The Government of Canada considers that many agreements and understandings between the United States and Canada would be broken if unilateral action were taken to divert additional water from the Great Lakes watershed at Chicago and directs attention to provisions of two treaties in particular:

(a) The Boundary Waters Treaty of 1909: "The applicability of either article II, paragraph 2, or article III of this treaty depends upon the interpretation of physical facts."

I hope Senators who read the RECORD and those who hear me now will pay attention to the objection of Canada, because it is not a pro forma objection; it is not an extravagant, baseless objection; it is not a trivial objection based on a notion that somehow Canada's sovereignty is being challenged. It is a thoughtful, considered objection, one which is very firmly based upon their own understanding of international law, because they go on to say:

If Lake Michigan physically flows into the boundary water Lake Huron, article II preserves to Canada the right to object to such a diversion which would be productive of material injury to the navigation interests in Canadian waters.

If, as has been asserted by eminent U.S. jurists, article III of the treaty applies, no further diversion shall be made except with the approval of the International Joint Commission.

Of course, no such approval has been secured, and no attempt has been made to secure the approval of the International Joint Commission.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Ohio.

Mr. LAUSCHE. The point which the Senator from Wisconsin is now making is the point which was made by the expert on international law, from whose book I quoted earlier.

If an attempt is made to create an impoundment of water or a diversion of water, with the result of either raising the level or lowering the level of the Great Lakes and the level of the St. Lawrence Seaway and if a dispute develops in that connection the dispute is to be determined by the International Joint Commission. Is that the understanding of the Senator from Wisconsin?

Mr. PROXMIRE. Absolutely so.

Mr. LAUSCHE. But in this case no effort has been made to invoke the arbitration powers and functions of the International Joint Commission, so as to determine the dispute in this instance.

Mr. PROXMIRE. The Senator from Ohio is entirely correct.

As he knows, the International Joint Commission is composed of three American members and three Canadian members. If we are not going to permit that Commission to function in this case, there is every reason for Canada to feel that perhaps she should give the 1-year

notice that is required, and then invalidate the treaty of 1909, and then be able to use the waters of the Columbia River just as completely and just as fully as she might desire.

Mr. LAUSCHE. I fully support what the Senator from Wisconsin has said.

I repeat my previous statement: It will be a sad day in the history of our country if the Congress of the United States begins to flout and to disrespect the treaties and conventions our country has solemnly made with foreign nations. No conceivable project has such value for any city in the United States as to justify our announcing to the world that we would disrespect our treaties.

But I should like to ask the Senator from Wisconsin whether in his opinion that is exactly what we are being urged to do by means of this bill.

Mr. PROXMIRE. The Senator from Ohio is entirely correct. And as a distinguished member of the Foreign Relations Committee, he fully appreciates the effect that could have, not only on Canada, but also on other nations.

Furthermore, we know what could be the direct and immediate consequences of such action on the State of Alaska, for example, particularly as regards the Yukon River. And in that connection, we must also keep in mind the point which was made so brilliantly, on yesterday, by the Senator from Oregon, in regard to the adverse effects on Montana and on Oregon and on Washington, and also the very adverse effects, which I shall discuss in a minute, on New York.

Mr. GRUENING. Mr. President, will the Senator from Wisconsin yield briefly to me, if it is understood that in doing so he will not lose the floor?

Mr. PROXMIRE. Yes; with that understanding, I yield.

Mr. GRUENING. Let me say that I greatly appreciate his understanding and appreciation of the interest Alaska has in this situation. The streams of Alaska are of very great importance to the 49th State. They are unharnessed, and run wastefully to the sea. As all of us know, Alaska has the largest undeveloped waterpower potential which exists on the North American continent. But under the present administration's policy of no new starts, no substantial development of that waterpower potential has occurred and now the President has vetoed the public works bill which included provision for the beginning of studies looking toward the construction of a great dam at Rampart, on the Yukon River, which would enable us to begin to catch up with the very great progress in this field that has been made by Russia. It is very evident that if we do not abandon that administration policy, and revert to the power policies of Presidents Roosevelt and Truman, we shall be left farther and farther behind, in the race with the Soviets.

Mr. PROXMIRE. I concur in the statement the distinguished Senator from Alaska has made. I am sure that my distinguished colleague, who represents the great State of Alaska—which is the largest of all the States in the Union, is one-fifth as large as our entire Nation, is far larger than the State of

Texas, and depends to so great an extent on water, as the Senator from Alaska has pointed out, and has by far the greatest undeveloped water potential in our entire country—realizes that the waters which the pending bill would affect must be developed in such a way that Alaska's great neighbor, Canada, which controls the headwaters of the Yukon River, will not be persuaded that she can act unilaterally in regard to those waters, and in taking such action, perhaps cause serious damage to Alaska.

Mr. GRUENING. I thank the Senator from Wisconsin.

Mr. LAUSCHE. Mr. President, if the Senator from Wisconsin will yield again to me—

Mr. PROXMIRE. I yield.

Mr. LAUSCHE. Let me say that when I interrupted, the Senator from Wisconsin was discussing the second paragraph of item (a) of the letter which the Canadian Government sent to our Government. I refer to the letter which appears on page 20 of the committee report.

Mr. PROXMIRE. That is correct; and I thank the Senator very much.

Mr. President, I should like to read the last paragraph which appears on page 20 of the report, because I believe it deals with a matter which, in my opinion, every Senator can grasp very quickly. It refers to the protest made by the Canadian Government to our Government, through our State Department. I now read further from the letter, dated April 9, 1959, addressed by the Canadian Ambassador, Mr. Heeney, to the Honorable Christian A. Herter:

In addition to these treaty provisions, there is a further agreement of far-reaching importance. Power development in the Provinces of Ontario and Quebec is predicated upon agreed criteria for regulation of the flows of the St. Lawrence River. The order of approval of the International Joint Commission of October 29, 1952, as supplemented on July 2, 1956, and accepted by both our governments, forms the basis for the construction and operation of the hydroelectric power installations in the international section of the St. Lawrence River. Criterion (a) of this order of approval assumes a continuous diversion out of the Great Lakes Basin limited to the present 3,100 cubic feet per second at Chicago.

In other words, Canada has spent her good tax money to construct those very, very expensive works—and they have been particularly expensive for Canada, inasmuch as her population and her income or revenue are much smaller than ours. But the pending bill, if enacted, would result in taking away great quantities of Canada's precious water, and without any compensation whatever to Canada.

Today, I have been talking to New York experts on the New York Power Authority. They have assured me, in complete sincerity—and they are well qualified to speak on these points—that every gallon of water or every bucket of water removed from the flow down the St. Lawrence River will mean a loss of power, because the Canadian dams and the New York dams are operating in such a way as to use all the available water; and if some of it is removed, then it will

be found that the power developed at those dams is reduced.

I believe that the analogy used by the senior Senator from New York [Mr. JAVITS] was very apt; he said that in view of the way this legislation is drawn, if it were to be enacted, every time a faucet in Chicago was turned on, a light in New York would go out.

Of course, Mr. President, the effect of the proposed diversion on the people of Canada, a sovereign country, would be even greater and even more severe, because Canada has made a far greater investment, in proportion to her wealth, than has our country, in the developments on the St. Lawrence; and, thus, Canada has even more reason to be concerned about this proposal.

I read now from page 21 of the same letter sent to our Government by the Canadian Ambassador, Mr. Heeney:

(a) The construction of the St. Lawrence Seaway: Legislation in the two countries and the several exchanges of notes concerning the construction and operation of the seaway now just completed are based on the assumption and understanding that there will not be unilateral action repugnant to the purposes of the legislation.

But it is the understanding of Canada that the unilateral action proposed by the pending bill would be repugnant to the purpose of the St. Lawrence Seaway legislation, because in the letter the Canadian Ambassador states:

Withdrawal of water from the Great Lakes Basin would materially affect the operation of the St. Lawrence Seaway;

The St. Lawrence Seaway is of great importance to my State, and is of tremendous importance to the whole country. No one would like to see the seaway damaged in any way.

Mr. President, just think of the importance of the seaway to Canada. Canada has spent far more on the seaway, absolutely, than we have. In terms of her per capita income, in terms of her population, in terms of her national wealth, Canada has spent many, many more times the money we have. The St. Lawrence Seaway is the lifeblood of Canada, and in this legislation we damage it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Annual loss of power at Niagara and St. Lawrence River plants resulting from permanent increase of 1,000 cubic feet per second in diversion from Lake Michigan at Chicago

Plant	Reduction in flow (cubic feet per second)	Kilowatts per cubic foot per second	Loss of capacity (kilowatts)	Hours per year	Annual loss of energy (megawatt-hours ¹)
Lewiston.....	500	22	11,000	8,766	96,426
Sir Adam Beck.....	500	22	11,000	8,766	96,426
United States Barnhart Island.....	500	6.16	3,080	8,766	27,000
Canada Barnhart Island.....	500	6.16	3,080	8,766	27,000
Beauharnois.....	1,000	6	6,000	8,766	52,596
Lachine.....	1,000	2.6	2,600	1,422	3,697
Total.....			36,760		303,145

¹ 1 megawatt-hour is equivalent to 1,000 kilowatt-hours.

Mr. LAUSCHE. There are six places in Canada that would have their hydroelectric generation affected: Lewiston, Sir Adam Beck, U.S. Barnhart Island, Canadian Barnhart Island, Beauharnois, and Lachine.

Mr. LAUSCHE. A moment ago the Senator from Wisconsin was quoting the letter from the Canadian Government, pointing out the damage that would come to its ability to generate electricity along its shores. Which, if any, unit of government in the entire basin is to gain financially in the capacity to generate electricity if this bill is enacted?

Mr. PROXMIRE. The answer is that the power installations at Lockport, Ill., would gain. They are to gain, as I understand, something like one-quarter—anyway, it is a fraction, and a significant fraction—of the loss that will be suffered on the St. Lawrence at Niagara and elsewhere; but there will be a clear, unquestionable gain at Lockport. In a sense, it is taking money out of the pocket of Canadians and New Yorkers and putting it in the pocket of Illinoisans.

Mr. LAUSCHE. If the Senator will yield further, I am going to read from the report of the Division engineer, North Central Division—

Mr. PROXMIRE. Let me add to what I have said, that absolutely no other would gain.

Mr. LAUSCHE. That is, there is only one governmental unit which would gain.

Mr. PROXMIRE. The only governmental unit that would gain is in the State of Illinois and the power authority at Lockport.

Mr. LAUSCHE. Lockport?

Mr. PROXMIRE. That is correct.

Mr. LAUSCHE. And all other hydroelectric generating plants will be impaired in their generative capacity. Is that correct?

Mr. PROXMIRE. The Senator from Ohio is absolutely correct.

Mr. LAUSCHE. If there is any dispute about the statement made by the Senator from Wisconsin, I point out that the report of the Corps of Army Engineers of January 1957, contains a summary, in table 23 of that report, of what the impact will be on hydroelectrical generation.

Mr. PROXMIRE. May I ask unanimous consent, with the agreement of the Senator from Ohio, that that table be placed in the RECORD?

Mr. LAUSCHE. Yes; I should like very much to have it done.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Each one of them will suffer adversely, from a financial standpoint, if this water is permitted to be diverted.

Now, in table 24 there is a tabulation of the governmental units or generating plants that will benefit. And, as has been

stated by the Senator from Wisconsin, Lockport will benefit. Lockport is the only one that will benefit. All others will suffer financially.

I do not know what the identity of the Lockport generating plant is. Does the Senator from Wisconsin know whether it is owned by a governmental unit in Chicago, or whether it is a private enterprise, or what?

Mr. PROXMIRE. I see the distinguished Senator from Illinois on the floor, and if he cares to answer that question, I will yield to him.

Mr. DOUGLAS. It is owned by the sanitary district, but there is little power generated there. We no longer generate power for the city of Chicago, and it would not be of particular benefit to the people of Chicago.

We are primarily interested in pollution and in protecting the communities to the south of Chicago; and, as an incidental effect, it would help navigation.

I have answered the question. Now I am going to sit down and be Ferdinand the Bull and sniff the flowers.

Mr. PROXMIRE. May I interject at this point to say I appreciate the very evident good humor of the Senator from Illinois. I realize the situation under which he is operating, and I think he is displaying exemplary restraint in view of the fact that no one loves a good fight or a good debate more than does the Senator from Illinois, and no one is better qualified to speak on this subject. This is almost cruel and inhuman treatment of the Senator from Illinois.

Mr. LAUSCHE. This report shows that Lockport, which is owned by the sanitary district, a governmental unit, will gain 70,410 megawatt-hours in a 3-year diversion. The 6 generating units which I previously identified on the Canadian side will lose 900,000 megawatts in 3 years. So the figures show that 900,000 megawatts will be lost by the Canadian generating plants in 3 years, and 70,000 megawatts will be gained by Illinois.

Mr. PROXMIRE. I am very happy to get that information. I thought the gain by Lockport would be much more substantial than that figure. The figure given indicates it would be around one-twelfth, or 7 or 8 percent of the loss.

Mr. President, it is clear to everybody that the aggregate effect is loss. The gain, as the Senator from Illinois has properly stated, is slight and amounts to a small figure.

I conclude my reference to the Heeney letter of April 9, 1959, from the Ambassador of Canada, by referring to the next to the last paragraph, which states:

Because of the importance attached by the United States and Canada to the honoring of international undertakings in letter and in spirit, the Government of Canada views with serious concern any possible impairment of agreements and undertakings relating to the Great Lakes Basin. Furthermore, the alarms created by repeated proposals for diversion which inevitably disturb the people and industry of Canada are a source of profound irritation to the relations between our two countries which we can ill afford.

The position of Canada, it seems to me, could hardly be more emphatic or

clear cut. It is certainly based on a clear, and expert evaluation. They know what they are saying. But in this legislation—for a 1-year diversion we will not even talk to them. There is nothing in the proposed legislation that there will be any agreement before the temporary diversion is made. The only even tentative gesture in the direction of Canada is that there will be some kind of consultation before permanent diversion, but a consultation under very unequal circumstances, because we make clear that we reserve to ourselves power over Lake Michigan. There is the arrogant implication that we can do whatever we please with Lake Michigan and disregard the interests of Canada.

Mr. President, I turn to a final item I should like to discuss, as to why the matter should be referred to the Committee on Foreign Relations. When my beloved colleague the senior Senator from Wisconsin makes that motion, I earnestly hope all Senators will support him, because the motion merits the support of every Senator.

Mr. President, it is my understanding there has been a disagreement between the labor conferees, and that the labor bill may be returned to the Senate this afternoon. I understand the conferees will return to the Senate to ask for instructions later this afternoon. I say that, since I hold the floor and this may be one means of communication with other Senators who would like to know whether they should stay at the Capitol. I presume on the basis of that advice they certainly had better do so.

Mr. President, I should now like to refer to one final reason why the measure should be referred to the Committee on Foreign Relations.

The natural water supply to Lake Superior, and hence to the entire Great Lakes Basin, has been increased by diverting water from the Hudson Bay watershed into rivers which are tributary to Lake Superior. These additions of water have been accomplished by Canada through the construction, with Canadian money and Canadian labor, of diversion dams, and the improvement of existing river channels on the so-called Long Lac and Ogoki projects.

The addition from Long Lac began in 1939. The addition from the Ogoki project began in 1943.

Parenthetically, it should be noted that the rearrangement of the flow of these rivers, which are entirely within Canada, but which are tributary to the international waters of the Great Lakes, is governed by notes exchanged October 14 and 31 and November 7, 1940. Would we not also have to enter into an agreement with Canada prior to the alteration of the natural flow of Lake Michigan, which is certainly tributary to international waters?

Mr. President, 7,160 square miles of drainage area of the Long Lac-Ogoki projects were thus artificially made tributary to the Great Lakes. That was done artificially, at a great cost to Canada, with an investment of Canadian money and labor. The total average additional flow amounts to about 5,000 cubic feet per second.

That is water taken out of the Hudson Bay watershed and put into Lake Superior, to increase the flow at Niagara and at Quebec and other places the Canadian government, the Canadian industry and the Canadian citizens enjoy.

The 1950 treaty did not allocate the 5,000 cubic feet of water specifically for diversion, but it does provide Canada full use at Niagara.

The 1950 treaty did not allocate this additional water, with the effect that the entire additional flow is reserved for the exclusive use of the Canadian hydroelectric plants on the Niagara River. The treaty further provides that this water shall continue to be governed by the exchange of notes previously mentioned, so that, in effect, this addition of water is now based upon the provisions of a treaty between the two nations.

The St. Lawrence powerplants are operated under the terms of the treaty of 1909 and the control of the International Joint Commission, which was created by that treaty. Since the Long Lac-Ogoki additions were not being made at the time of the treaty, it contains no specific provisions relative to such additions of water. The International Joint Commission has ordered an equal division of water at the St. Lawrence plants. Hence, the United States is directly benefitting through the use of one-half of the additional water for power generation at Massena. This is why New York, the State authorities of New York and the experts from New York, are so deeply interested in the matter. They have consulted with us and they have given us this information.

The International Joint Commission has the authority to change the operating rules of the St. Lawrence plants. If the United States unilaterally diverts waters at Chicago which are naturally tributary to the St. Lawrence River from that basin into the Mississippi River, Canada would certainly have a strong case for recouping a portion of its loss which such diversion out of the basin would cause, by asking the International Joint Commission to allocate all of the 5,000 cubic feet per second which they have added to them for their exclusive use.

Mr. President, it would be feasible and it would be practical for Canada to do this. Canada has every reason to want to do it, because it would increase their power development. It would mean that Canada would be able to operate in a more productive and more profitable way, which would be more profitable to their industry and to their consumers who use the electricity.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator was reading from a document. The Senator said that if we diverted water at Chicago, the Canadian Government would be justified in going to the International Joint Commission. Will the Senator read that portion of the document again?

Mr. PROXMIRE. What portion does the Senator desire to have reread?

Mr. LAUSCHE. The Senator said, in substance, that if we granted an increased diversion of water at Chicago, the Canadian Government would be justified in going to the International Joint Commission and asking for an order allowing Canada to use the entire 5,000 cubic feet per second now available at Massena.

Mr. PROXMIRE. The Senator is absolutely correct. Shall I read that again?

Mr. LAUSCHE. Please read that again.

Mr. PROXMIRE. I think it deserves emphasis, double emphasis, and triple emphasis.

The International Joint Commission has the authority to change the operating rules of the St. Lawrence plants. If the United States unilaterally diverts waters at Chicago which are naturally tributary to the St. Lawrence River from that basin into the Mississippi River, Canada would certainly have a strong case for recouping a portion of its loss which such diversion out of the basin would cause, by asking the International Joint Commission to allocate all of the 5,000 cubic feet per second which they have added to them for their exclusive use.

Mr. LAUSCHE. The words which impressed me were "by asking the International Joint Commission" to award them the entire 5,000 cubic feet per second. In the Senator's document, it is suggested that the appeal will be made to the duly constituted legal body which has been designated by the U.S. Government and by the Canadian Government to act as the arbiter in disputes.

Mr. PROXMIRE. That is absolutely correct. Of course, if the international body could not agree, presumably Canada could take the case to the world court. That is provided in the treaty.

As I pointed out before, we can try the patience of Canada too much. The treaty also provides that with 12 months' notice Canada can terminate the treaty, end the treaty, and act unilaterally.

I may say to the Senator that the document has no expert standing of any kind. It is a memorandum I prepared after consultation with the New York authorities, for my own guidance, so that in this area, which is new to me and on which I am no expert, I could be accurate.

Mr. LAUSCHE. It is a tribute to the Senator's ethical approach to the problem, because in his own thinking he did not for a moment believe that Canada would arbitrarily and unilaterally say, "We will take the entire 5,000 cubic feet per second." The Senator said that Canada would go to the International Joint Commission and ask for a ruling.

Mr. PROXMIRE. The Senator from Ohio makes an excellent ethical, moral point. Canada does not act unilaterally, but goes to the Commission, which in this legislation we would ignore and which we have refused to consult. Canada would ask the Commission to make a decision, so that the matter could be decided in a fair and judicial manner, with equity and justice to everyone concerned.

Mr. LAUSCHE. If the proposed legislation is passed, in effect we would be

saying, "Let us disregard the treaty and disregard the International Joint Commission which by solemn declaration of the U.S. Government and of the Canadian Government has been chosen as the arbiter. On our own, in full disregard of Canadian rights, we will proceed to dispose of the question."

Mr. PROXMIRE. Not only that, but I will say to the distinguished Senator that we would also disregard our own supreme judicial authority, the Supreme Court of the United States, which has taken jurisdiction over the matter. We would disregard the Court and the equities and interests of Ohio, Michigan, Pennsylvania, and New York by saying "Congress is going to act," without any regard for the parallel study which is being conducted at the present time by the Supreme Court, right at this very moment, under Judge Maris, on this exact matter.

Mr. LAUSCHE. The fact is, as I understand, that for the last 50 years Chicago has insisted upon the purpose to divert these waters. It was challenged in the courts. The Supreme Court has repeatedly stated that Chicago, in violation of the rights of the sister States, was taking water unlawfully out of the Great Lakes Basin to the damage of those sister States.

Chicago went to the courts. It was told to mend its ways.

I think it went to President Roosevelt and to President Truman, and it went to the War Production Board during the war, stating, "Give us this water. We need it to develop the strength of the Nation."

In every instance it was told that it was trying to take from the sister States property that belonged to them, and utilize it to its own use in Chicago.

Mr. PROXMIRE. Let me say to the Senator from Ohio that the Supreme Court has been more than fair with the city of Chicago. When because of natural conditions Chicago had to have and could make out any kind of case for additional diversion, the Supreme Court gave them, not an additional thousand cubic feet, but it gave them something like 8,500 cubic feet for some 50 or 60 days. So Chicago has recourse. They can go to the Supreme Court whenever they can make any kind of case, and the Supreme Court can decide tomorrow that Chicago is entitled to an additional thousand cubic feet, if it desires to do so.

Mr. President, the estimates by the expert I have cited and by qualified authorities from New York is that the gain to Canada, if she acted to take advantage of the additional 5,000 cubic feet which she herself has diverted from the Hudson Bay watershed into Lake Superior, would be some \$518,000 for each year.

Mr. President, I am also informed on the basis of reliable and competent advice that this would not compensate Canada fully for her loss of the water at Chicago. This is because Canada could take no advantage of this additional diversion at Niagara.

Canada already has the full 5,000 cubic feet per second. She can take advantage at Quebec, because the fall is shorter.

Even though there is more water involved, it is my understanding that she would not be fully compensated. At any rate, if she decides to take advantage and prevails, and I must say that the members of the Joint Commission would be sorely put to it to deny Canada under these circumstances, the loss to New York would be very, very significant and substantial.

I was told last year when the debate on this matter was progressing, by another Senator, whose identity I cannot reveal because he did not authorize me to do so, a great Senator, an outstanding man, of very substantial influence in the U.S. Senate, that if we could show to him that one single dollar that should justly and properly accrue to one State was being taken away from it for the benefit of another State, he would vote against the proposed legislation.

I submit that anyone who will study this matter, who will consult with qualified experts, will have to agree that more than a single dollar, literally thousands and thousands of dollars, are being taken out of the pockets of the people of New York, and the people of Canada, for the benefit of the people of Chicago.

Mr. President, there is a great deal more I should like to say on this bill, but above all I do not want the Senator from Illinois to suspect that I am trying to delay a vote or acting in a dilatory fashion or filibustering. So I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. McNAMARA. Mr. President, I suggest the absence of a quorum.

The legislative clerk called the roll and the following Senators answered to their names:

Alken	Dirksen	Martin
Allott	Douglas	Morse
Anderson	Ervin	Moss
Bartlett	Fong	Prouty
Bible	Gruening	Proxmire
Butler	Hart	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Javits	Scott
Carlson	Johnston, S.C.	Sparkman
Case, N.J.	Jordan	Stennis
Church	Lausche	Thurmond
Clark	McClellan	Wiley
Cooper	McNamara	Yarborough
Curtis	Mansfield	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant of Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant of Arms will execute the order of the Senate.

After a little delay, Mr. BRIDGES, Mr. BUSH, Mr. CARROLL, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. COTTON, Mr. DWORSHAK, Mr. ELLENDER, Mr. ENGLE, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HAYDEN, Mr. HENNING, Mr. HICKENLOOPER, Mr. HILL, Mr. JACKSON, Mr. KEFAUVER, Mr. KENNEDY, Mr. KERR, Mr. KUCHEL, Mr. LANGER, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MAG-

NUSON, Mr. McCARTHY, Mr. McGEE, Mr. MORTON, Mr. MUNDT, Mr. MURRAY, Mr. MUSKIE, Mr. NEUBERGER, Mr. SCHOEPPPEL, Mr. SMATHERS, Mrs. SMITH, Mr. SYMINGTON, Mr. TALMADGE, Mr. WILLIAMS of Delaware, and Mr. YOUNG of North Dakota, entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

The question is on agreeing to the first committee amendment.

Mr. LAUSCHE. Mr. President, I desire to speak on the bill pending before the Senate, and I should like to discuss particularly the international aspects of the bill.

It has already been pointed out that the Dominion of Canada, in three separate documents this year, has protested against any further diversion of water at Chicago. These protests are rather unusual in the history of our country. They are unusual because they come from a neighboring state with whom we have been on most friendly terms.

Intermittently papers are written, speeches are made, and discussions are had about a model relationship between neighboring countries. It is pointed out that with approximately 3,000 miles of border lines, there is not existent a single fortification or a single artificial construction intended for either defensive or offensive purposes. It is a model relationship. Consultations are had. Differences are worked out. Friendly intercourse is had on that basis.

The Senator from Wisconsin this afternoon made the statement, and I think it was subscribed to by the Senator from Michigan, that this proposal is probably unprecedented not only from the standpoint of our relationship with Canada, but of our relationships with other friendly nations in the world; that is, protests being filed with our country that we are contemplating the abrogation and the violation of a treaty.

I want to meditate on that subject for a minute. We have a treaty with Canada. There are two treaties which have relationships to the issues involved in the discussion. The first was entered into in 1909, and the second in 1950. Those treaties specifically deal with the waters which lie on our boundaries and the tributaries and bodies of water which flow into those boundary waters.

These treaties specifically provide a mode of operation to settle disputes. The treaties specifically stipulate that each Government has the right to make disposition of waters on its own side of the boundary, but that if and when such disposition of the waters either lowers or lifts the level of waters on the other side of the boundary to the damage of the other nation, the International Commission shall be called upon to arbitrate the dispute.

The Congress of the United States, through its Senate, in 1909 and 1950 approved those treaties. In other words, by specific declaration of the Senate, we subscribed to the solemn pledges contained in those documents. We, in effect, stated, "The agreements made by the State Department are honored by

the Senate and will be recognized fully in substance and purport."

We are now in the year 1959. Those agreements are still in existence. The High Commissioners who constitute the 6-member Board are in existence. They can adjust this dispute. But we are proceeding in absolute defiance of the agreements, and are contemplating action in the Senate which definitely will be violative of our solemn promise.

I submit to my colleagues that if we have any justification for boasting about the dignity of our country, it lies on the basis of our fairness and justice in carrying out our agreements.

Condemnation has been made of Stalin and Khrushchev. On the floor of the Senate arguments have been made that the word of the Communist is not to be honored or respected or accepted. They do not keep their promises.

On the contrary, it has been argued and declarations have been made to the world that our word is as good as our bond, that when we sign a treaty or an agreement we will keep our word. That declaration is belied by the provisions of the bill which Senators are asked to approve on the Senate floor.

I should like to read, from the discussion which took place in Canada with respect to the treaty, some remarks by the Prime Minister, who participated in the discussion. This is a report of the House of Commons debates.

The debate took place on Thursday, April 16, 1959. The House met at 2:30 p.m. and the discussion was on water resources, Chicago diversion. The first statement I will read deals with what was said by the Right Honorable J. G. Diefenbaker, Prime Minister, as follows:

Mr. Speaker, on April 8 the honorable member for Rosedale asked:

"Would the Prime Minister tell us the attitude of the Canadian Government toward the legislation recently passed in the U.S. House of Representatives in regard to the diversion of water from the Great Lakes at Chicago?"

I replied, after dealing with one or two matters of history, and said:

"We are paying the closest attention to this matter, at the same time not wishing to do anything that would in any way cause a situation to arise which might not be beneficial."

Prime Minister Diefenbaker stated:

We are paying the closest attention to this matter, at the same time not wishing to do anything that would in any way cause a situation to arise which might not be beneficial.

I have repeated those words because they show the delicacy of the attention which the Prime Minister of Canada is giving to this subject. He did not want to take any action which might not be beneficial to the relationship existing between Canada and the United States.

I quote further from the remarks of Prime Minister Diefenbaker:

I now wish to bring the House up to date on this subject. When I last spoke on April 8, I stated what the fact was, that the Government was giving careful consideration, and since then has given further consideration, to the most effective manner of making known Canada's opposition to the bill which,

as I said a moment ago, has passed the House of Representatives and is now before the Senate Committee on Public Works. A note registering the reasons for Canada's objection was delivered on April 9; and, with the leave of the House, I ask permission to table it so that it might possibly appear in "Votes and Proceedings." I am not going to read the entire note, but just two particular paragraphs thereof to indicate the general tenor and attitude of the Government in this regard. In the third paragraph the following appears:

"Every diversion of water from the Great Lakes watershed at Chicago inevitably decreases the volume of water remaining in the basin for all purposes. The Government of Canada is opposed to any action which will have the effect of reducing the volume of water in the Great Lakes Basin. Careful inquiry has failed to reveal any sources of water in Canada which could be added to the present supplies of the basin to compensate for further withdrawals in the United States of America. The Government of Canada considers that many agreements and understandings between the United States of America and Canada would be broken if unilateral action were taken to divert additional water from the Great Lakes watershed at Chicago and directs attention to provision of two treaties in particular."

The first is the Boundary Waters Treaty of 1909 and the second is the Niagara Treaty of 1950.

The general summation of the attitude of the Government in this regard is contained in the last two pertinent paragraphs:

"Because of the importance attached by the United States of America and Canada to the honoring of international undertakings in letter and in spirit, the Government of Canada views with serious concern any possible impairment of agreements and undertakings relating to the Great Lakes Basin. Furthermore, the alarms created by repeated proposals for diversion which inevitably disturb the people and industry of Canada are a source of profound irritation to the relations between our two countries which we can ill afford."

"I am instructed, therefore, to express the hope of the Government of Canada that the United States of America will view this matter with equal concern and will be able to give satisfactory assurances that unilateral action will not be taken which would imperil the present regime of the waters in the Great Lakes Basin and the status of the agreements and understandings to which I have referred."

I desire to comment a bit upon this last statement, and in the comment I will reread what Prime Minister Diefenbaker said:

Because of the importance attached by the United States and Canada to the honoring of international undertakings in letter and in spirit, the Government of Canada views with serious concern—

What is happening in the United States.

Probably the thought of the U.S. Government honoring its agreements is poppycock. It is not worthy of being listened to by the Senators on the floor of the U.S. Senate. Honor in keeping one's word, honor in performing a contract, honor in carrying out the words of an international treaty, may be poppycock and ought to be disregarded by us. If we are so powerful from a military standpoint, if we are so powerful from an economic standpoint, that we can cast aside our word of honor and still hope to survive economically and materially as a Nation, probably there

is some justification in dishonoring our word. But I say to my colleagues that the matter of keeping one's word is more than the mere achievement of material and economic enrichment. It goes to the very virtue and the strength of a nation.

When a nation begins disregarding its word, it begins placing a stamp on the character of its citizens that those citizens do not keep their word, and I submit respectfully to my colleagues that that is exactly what the city of Chicago is seeking to have us do. It wants us, without sending this bill to the Foreign Relations Committee, pass it in face of the protest that has been made by the Dominion of Canada, and I do not believe that we have either the legal or the moral right to follow that recommendation of the city of Chicago.

Primarily we should not follow it because Chicago has in this matter a selfish economic purpose. The granting of 1,000 cubic feet of water per second in addition to the 3,300 feet which it is now taking out of the Great Lakes Basin would bring economic profit to Chicago and loss to every other port in all of the riparian lands in the Great Lakes Basin.

In a discussion which was earlier had with the Senator from Wisconsin it was pointed out that there are six powerful hydroelectric generating plants, I think three of them of U.S. ownership and three of Canadian ownership, which would suffer financial loss through the enactment of this bill. There is only one governmental unit which will profit, and that is the city of Chicago.

A second economic selfishness upon the part of the Sanitary District of Chicago lies in the fact that it will enjoy an increase in the ability to navigate from Chicago down to the Mississippi. The navigational capacity and the expense of keeping the water level high in the stream that goes from Chicago to the Mississippi will be lowered, while the expense on the Great Lakes will be increased.

A third selfish purpose of the Sanitary District of Chicago lies in the fact that though two departments of Government on the Federal level have stated that Chicago can make this test without the flow of an additional 1,000 cubic feet of water per second—and I have reference now to the statement made by the Department of Defense and the Department of Health.

Mr. AIKEN. Will the Senator yield to me to make a motion?

Mr. LAUSCHE. Not at this moment.

Four departments of the Government have protested the enactment of the bill, namely, the Department of Defense, the Department of Health, Education, and Welfare, the Department of State, and the Bureau of the Budget, speaking for the President of the United States, I take it. Not one branch of the Federal Government has encouraged the passage of the bill. Chicago would profit because it would decrease its costs in disposing of sewage. Therefore I respectfully submit that this bill contemplates aiding Chicago and harming all the riparian owners on the Great Lakes—St. Lawrence

Seaway below the point where the diversion would occur.

I wish to read further from the House of Commons Debates:

Mr. SPEAKER. Would the Prime Minister perhaps modify his request so the letter will be printed as an appendix to Hansard?

Mr. DIEFENBAKER. Yes.

Mr. SPEAKER. Is the house agreeable to having this document printed as an appendix to Hansard today?

SOME HONORABLE MEMBERS. Agreed.

(For text of document referred to above, see appendix.)

Hon. L. B. PEARSON (leader of the opposition). Mr. Speaker, perhaps I could say a word with regard to this extremely important matter. I think the House will have learned with satisfaction that a note in the terms which the Prime Minister just read has been, I think on April 9, presented to the U.S. Government. It will be recalled that a note in not very strong terms was presented by the Canadian Government last year expressing our concern. This note of April 9 seems to be a much stronger one, and I think that is all to the good.

I believe I am right when I say that this note, however, presented on April 9, has been presented at a time when it is too late to influence Congress which has, if I am not misinformed, already taken action in this matter. Therefore, Mr. Speaker, it now remains for the President of the United States to protect Canada's rights in this matter by vetoing action which may have been taken by Congress. Perhaps if this note had been presented earlier before congressional consideration had been given, it might not have been necessary to rely entirely on the President of the United States to protect our interests in this matter.

However, the note has been presented and I hope it will have the effect it should have in preventing the United States from taking action which would be a breach of treaty arrangements between the two countries.

Mr. H. W. HERRIDGE (Kootenay West). Mr. Speaker, on behalf of this group I want to say that we are extremely pleased to hear the statement of the Prime Minister with respect to this latest note. We are also pleased to note that it is in stronger terms than any previous note. We support the government in any effort it may take to protect Canadian interests. We in this group hope that the Congress of the United States will pay attention to this day's proceedings and note from the proceedings that Parliament in this respect is unanimous.

I now read from the Appendix:

CHICAGO DIVERSION—CANADIAN NOTE TO UNITED STATES

(No. 184)

Sir: I have the honor on instructions from my Government to refer to proposals for legislation in the United States of America concerning an increase in the diversion of water from Lake Michigan through the Chicago drainage canal. It is noted that one proposal to this effect has been approved by the House of Representatives and will shortly be considered by the Senate. During a period of many years there have been numerous occasions on which the Government of Canada has made representations to the Government of the United States of America with respect to proposals concerning the diversion of water from Lake Michigan out of the Great Lakes watershed at Chicago.

Many of these representations have been directed toward particular proposals then under discussion by United States of America authorities. Because of the importance of the question, the Government of Canada believes it timely to reexamine the considerations which it regards as most important concern-

ing any proposals for additional diversion of water from the Great Lakes watershed. Accordingly, in order that there may be no misunderstanding as to the views of the Government of Canada, I have been instructed to bring the following considerations to your attention.

Every diversion of water from the Great Lakes watershed at Chicago inevitably decreases the volume of water remaining in the basin for all purposes. The Government of Canada is opposed to any action which will have the effect of reducing the volume of water in the Great Lakes Basin. Careful inquiry has failed to reveal any sources of water in Canada which could be added to the present supplies of the basin to compensate for further withdrawals in the United States. The Government of Canada considers that many agreements and understandings between the United States and Canada would be broken if unilateral action were taken to divert additional water from the Great Lakes watershed at Chicago and directs attention to provisions of two treaties in particular:

(a) The Boundary Waters Treaty, 1909: The applicability of either article II, paragraph 2 or article III of this treaty depends upon the interpretation of physical facts.

If Lake Michigan physically flows into the boundary water Lake Huron, article II preserves to Canada the right to object to such a diversion which would be productive of material injury to the navigation interests in Canadian waters.

If, as has been asserted by eminent U.S. jurists, article III of the treaty applies, no further diversion shall be made except with the approval of the International Joint Commission.

(b) Niagara Treaty, 1950: This treaty allocates water for scenic and power purposes. The amount of water which shall be available for these purposes is the total outflow from Lake Erie. The specific inclusion of certain added waters in article III of the treaty emphasizes the underlying assumption that existing supplies will continue unabated. In addition to these treaty provisions, there is a further agreement of far-reaching importance. Power development in the Provinces of Ontario and Quebec is predicated upon agreed criteria for regulation of the flows of the St. Lawrence River. The order of approval of the International Joint Commission of October 29, 1952, as supplemented on July 2, 1956, and accepted by both our Governments, forms the basis for the construction and operation of the hydroelectric power installations in the international section of the St. Lawrence River. Criterion (a) of this order of approval assumes a continuous diversion out of the Great Lakes Basin limited to the present 3,100 cubic feet per second at Chicago.

Navigation and commercial interests depend upon the maintenance of the basis upon which channel enlargements have been designed in order that vessels of deeper draft may proceed with full load to and from the ports of the upper Great Lakes. In this connection I would refer to the following matters:

(a) The construction of the St. Lawrence Seaway: Legislation in the two countries and the several exchanges of notes concerning the construction and operation of the seaway now just completed are based on the assumption and understanding that there will not be unilateral action repugnant to the purposes of the legislation. Withdrawal of water from the Great Lakes Basin would materially affect the operation of the St. Lawrence Seaway.

(b) Dredging: By agreement contained in the various exchanges of notes between the two countries, profiles have been prepared for the excavation which has taken place or is about to take place in the International

Rapids section of the river, in the Amherstburg Channel and in the St. Clair River.

Mr. AIKEN. Mr. President, will the Senator from Ohio yield now to permit me to make a motion?

Mr. LAUSCHE. I yield for that purpose.

Mr. AIKEN. Mr. President, I move to lay the pending business on the table, and on that question I ask for a yeas and nays vote.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. LAUSCHE. I do.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. What is the pending business? Is the Senator from Vermont proposing to lay the amendment on the table or to lay the bill on the table.

The PRESIDING OFFICER. The Chair understood the motion to be to lay the bill on the table.

Mr. AIKEN. The motion is to lay the pending bill on the table.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Frear	McNamara
Allott	Fulbright	Mansfield
Anderson	Goldwater	Martin
Bartlett	Green	Morse
Bible	Gruening	Morton
Butler	Hart	Moss
Byrd, W. Va.	Hayden	Mundt
Cannon	Hennings	Neuberger
Carlson	Hickenlooper	Prouty
Carroll	Hill	Randolph
Case, N.J.	Holland	Robertson
Case, S. Dak.	Jackson	Scott
Church	Javits	Smathers
Clark	Johnston, S.C.	Smith
Cooper	Jordan	Sparkman
Curtis	Kennedy	Stennis
Dirksen	Kuchel	Symington
Douglas	Langer	Talmadge
Dworshak	Lausche	Thurmond
Ellender	Long, Hawaii	Wiley
Engle	Long, La.	Williams, Del.
Ervin	McClellan	Yarborough
Fong	McGee	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to lay House bill 1 on the table.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Illinois will state it.

Mr. DOUGLAS. Will the Chair again state the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Vermont [Mr. AIKEN] to lay House bill 1 on the table.

Mr. DOUGLAS. In voting on this question, will an affirmative vote be a vote to kill the bill?

The PRESIDING OFFICER. The Senator from Illinois has not propounded a parliamentary inquiry.

The pending question is on agreeing to the motion to lay House bill 1 on the table.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Have the yeas and nays been ordered on this question?

The PRESIDING OFFICER. That is correct.

Mr. WILEY. Mr. President, I was unable to hear clearly the response to the parliamentary inquiry. Is the pending question on agreeing to the motion to lay House bill 1 on the table?

The PRESIDING OFFICER. That is correct.

Mr. WILEY. I thank the Chair.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NEUBERGER (when his name was called). On this vote I have a pair with the distinguished majority leader of the Senate [Mr. JOHNSON]. If the Senator from Texas were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. CARLSON. On this vote I have a pair with the distinguished Senator from Oklahoma [Mr. KERR]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. WILLIAMS], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], and the Senator from Wyoming [Mr. O'MAHONEY], are absent because of illness.

The Senator from Oklahoma [Mr. MONRONEY] is absent on official business attending the Interparliamentary Union Conference at Warsaw, Poland.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], and the Senator from Rhode Island [Mr. PASTORE], would each vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from New York [Mr. KEATING].

If present and voting, the Senator from Mississippi would vote "nay," and the Senator from New York would vote "yea."

On this vote, the Senator from Montana [Mr. MURRAY] is paired with the Senator from Wisconsin [Mr. PROXMIRE]. If present and voting, the Senator from Montana would vote "nay," and the Senator from Wisconsin would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], the Senator from Connecticut [Mr. BUSH], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Kansas [Mr. SCHOEPPPEL] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent on official committee business.

On this vote the Senator from Connecticut [Mr. BUSH] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Nebraska would vote "nay."

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from New York [Mr. KEATING] is absent on official business and is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from New York would vote "yea," and the Senator from Mississippi would vote "nay."

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], and the Senator from Kansas [Mr. SCHOEPPPEL] would each vote "nay."

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

The result was announced—yeas 26, nays 41, as follows:

YEAS—26

Aiken	Fulbright	Morton
Bartlett	Hart	Prouty
Bible	Jackson	Scott
Cannon	Javits	Smathers
Case, N.J.	Jordan	Smith
Clark	Langer	Wiley
Cooper	Lausche	Williams, Del.
Dworshak	McNamara	Young, Ohio
Ervin	Martin	

NAYS—41

Allott	Goldwater	McGee
Anderson	Green	Mansfield
Butler	Gruening	Morse
Byrd, W. Va.	Hayden	Moss
Carroll	Hennings	Mundt
Case, S. Dak.	Hickenlooper	Randolph
Church	Hill	Robertson
Curtis	Holland	Sparkman
Dirksen	Johnston, S.C.	Stennis
Douglas	Kennedy	Symington
Ellender	Kuchel	Talmadge
Engle	Long, Hawaii	Thurmond
Fong	Long, La.	Yarborough
Frear	McClellan	

NOT VOTING—33

Beall	Gore	Murray
Bennett	Hartke	Muskie
Bridges	Hruska	Neuberger
Bush	Humphrey	O'Mahoney
Byrd, Va.	Johnson, Tex.	Pastore
Capehart	Keating	Proxmire
Carlson	Kefauver	Russell
Chavez	Kerr	Saltonstall
Cotton	McCarthy	Schoeppel
Dodd	Magnuson	Williams, N.J.
Eastland	Monroney	Young, N. Dak.

So Mr. AIKEN's motion to lay H.R. 1 on the table was rejected.

ORDER OF BUSINESS—THE LABOR-MANAGEMENT REFORM BILL CONFERENCE

Mr. DIRKSEN. Mr. President—

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, for the purpose of submitting a resolution with respect to the labor-management conference, and also to permit the distinguished Senator from Massachusetts to offer a resolution in his own right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. AIKEN. Mr. President, I object.

Mr. McNAMARA. Mr. President—

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President—

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wonder if the Senator was permitted to state that all we are asking is a half hour so that the resolution will have an opportunity to lie over, so that the matter can be taken up on Monday.

Mr. AIKEN. We are in no hurry. The resolution will have a chance to lie over when it is once reported.

Mr. WILEY. Mr. President—

Mr. LONG of Louisiana. Mr. President—

Mr. WILEY. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. WILEY. Mr. President, I desire to speak on the first committee amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Louisiana?

Mr. DIRKSEN. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a unanimous consent request?

Mr. DIRKSEN. Mr. President, I did not know I had forfeited the floor yet.

The PRESIDING OFFICER. After the objection was entered to the unanimous consent request, the Senator from Illinois lost the floor. The Chair recognized the Senator from Wisconsin.

Mr. DIRKSEN. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

The PRESIDING OFFICER. The Senator from Illinois may proceed.

Mr. DIRKSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOUGLAS. Mr. President—

Mr. DIRKSEN. Mr. President, I believe I am recognized, for the moment.

Mr. AIKEN. Mr. President, may I ask the Senator from Illinois how long he wished to lay aside the pending business?

Mr. DIRKSEN. I had hoped for only a very brief time.

Mr. AIKEN. That is the trouble. If the Senator from Illinois will agree to lay it aside for, let us say, 30 days, I would be glad to give consent. [Laughter.]

Mr. DIRKSEN. Regrettably, of course, the Senator from Illinois cannot agree to lay it aside 30 days.

Mr. AIKEN. That is too bad.

Mr. DIRKSEN. Mr. President—

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Who has the floor?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. The Senator from Wisconsin has yielded to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Wisconsin may yield to me to make a statement, so that I will not be in violation of the rule with respect to setting forth a question.

Mr. AIKEN. I object, Mr. President.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. AIKEN. The Senator from Illinois made very plain what his statement would be.

Mr. DIRKSEN. Mr. President, I will have to serve notice on the Senate that there will be no yielding on the Senate floor so long as I am present, except in the form of a question. I have never raised this question. I have never taken advantage of a single Senator on this floor. I have never asked that the rule prevail, and for 2 whole days this discussion has been ranging all over the universe, in clear violation of the Senate rule. If it is going to be drawn upon the minority leader now there will not be another violation of that rule so long as I am on the floor.

Mr. AIKEN. That is a good idea.

Mr. DIRKSEN. Let us have that definitely understood. Everybody is going to conform to the rules—every one of them, including the 3-minute rule in the morning hour.

I asked for very little. I present myself very infrequently to the Senate. This is a matter of major moment to the entire country, already disclosed to the press and in the headlines, and certainly, Mr. President, it is not asking too much for the minority leader to take a moment to set forth a case.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. I think it is much better to violate a rule of the Senate than it is to violate an international agreement, as the Senator from Illinois is trying to do. It is about time the Members of the Senate got some consideration, besides having everything arranged by two or three people in the leadership. It is about time we got consideration, too. I object.

Mr. DIRKSEN. Mr. President, perhaps the Senator from Vermont speaks for himself.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, I ask the Senator from Wisconsin whether he would object to yielding the floor in order that the Senator from Illinois and the Senator from Massachusetts, within 2 or 3 minutes each, may explain what we are going to ask the Senate to do on Monday. Is that agreeable?

Mr. AIKEN. The regular order is desired. Not knowing exactly what is back of the request, I think it would be better to have the regular order.

Mr. KENNEDY. I would say to the Senator that the Senator from Wisconsin is free to yield his time.

Mr. WILEY. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor at this time.

Mr. AIKEN. But the Senator will lose the floor if he yields for anything but a question.

The PRESIDING OFFICER. The Senator will take his seat. Is the Senator from Wisconsin willing to yield the floor?

Mr. WILEY. Mr. President, in order to facilitate the particular matter at hand I yielded to the Senator from Illinois [Mr. DIRKSEN]. I want to know, when the Senator gets through, if I yield to the Senator from Massachusetts [Mr. KENNEDY] whether I can retain my right to the floor.

The PRESIDING OFFICER. If there is no objection, the Senator may retain his right to the floor. There was objection.

Mr. WILEY. May I ask unanimous consent?

The PRESIDING OFFICER. The Senator may ask unanimous consent.

Mr. WILEY. I do ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Wisconsin?

Mr. AIKEN. I object, Mr. President.

The PRESIDING OFFICER. There is objection.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I may address a question to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I may address a question to my friend from Vermont?

Mr. WILEY. I yield.

Mr. GOLDWATER. I might say to my good friend that he is putting some of his colleagues in a very peculiar position. When the matter of the Landrum-Griffin bill came across from the House there were many of our colleagues who wanted to vote forthwith on the floor. I very hesitatingly agreed to a conference, and I told my colleagues that within 7 days, or within a time when we did not have any progress, I would come back to the Senate floor and ask that the Senate instruct the conferees.

The Senator is putting us in a position of having to renege on a promise we made to our colleagues almost 2 weeks ago. I would be very hopeful that the Senator could yield enough time so that we might get the resolution into the

RECORD now, so that we will be in order to start voting on this very important matter by next Tuesday.

Mr. AIKEN. Could not the matter be submitted to the Senate tomorrow morning?

Mr. GOLDWATER. It could be, but it would not then be in order for the Senate to vote on it until a day had passed.

Mr. SYMINGTON. I wonder if the Senator from Wisconsin could yield the floor.

Mr. WILEY. I want to be very accommodating, but may I have about 5 minutes of my own to explain our position to this wonderful crowd, an opportunity we have been seeking for days? I should like to have an opportunity of discussing what I think is, as the Senator from Vermont has said, a bigger issue than even the labor issue, namely, whether we are going to kick Canada in the teeth, or whether we are going to honor our obligations under international law, whether we are going to set aside agreements and treaties. To me that is the big issue, and it has been stated in very plain language by the Ambassador representing the Canadian Government.

With the President abroad, where he is apparently trying to get further understanding, at this time the Senate should give consideration to the simple brief I sent around to each Senator. Practically no Senator has had an opportunity to read it. There is a single legal point involved, and that is what I want to discuss.

I do not wish to interfere with what I think is also a very important matter, that of seeking to get the two opposing points of view together so that the public itself will have some kind of labor law that we can all digest. That is important, but, I repeat, the Senate has really not been in session for the past 3 days. We have not had an opportunity to present our case.

In the beginning we asked that consideration of the bill go over so that we could have time to read the record, which we had not seen. We were not granted that right. This morning the time was taken up by other Senators speaking on other subjects. The same course was pursued yesterday.

When the Senators from Massachusetts and Illinois are through presenting their views, I ask Senators to remain to let me present what I think is the vital issue. If Senators will do that, I shall be very grateful to them.

I yield the floor.

Mr. DIRKSEN and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Illinois is recognized.

Mr. DOUGLAS. Mr. President—

Mr. DIRKSEN. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Illinois has the floor. Does the Senator wish to make a parliamentary inquiry?

Mr. DOUGLAS. Mr. President, I wish to know which Senator from Illinois has the floor.

The PRESIDING OFFICER. The junior Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, it is certainly not my purpose to detain the Senate very long, and I am sure the Senator from Massachusetts does not wish to detain the Senate very long, either. We come only to make a brief report, and to establish the background for ratification of action that has been taken by general agreement.

Mr. McNAMARA. Mr. President, will the Senator yield? What happens to the pending business? I am interested in the pending business.

Mr. DIRKSEN. The pending business is still the pending business.

Mr. McNAMARA. It has not been set aside?

Mr. DIRKSEN. No, it has not been laid aside.

Mr. McNAMARA. I thank the Senator.

Mr. DIRKSEN. Mr. President, as everyone knows, on the 14th of August we discussed the matter of sending the labor reform bill to conference. The first conference was held on the 18th of August. As of today we have been in conference for 10 days.

The conferees have been diligent; they have been forbearing; they have been very temperate; and they have worked most assiduously at the job of agreeing on a labor bill. I am of the opinion that every conferee of the 14 who sat around the table is interested in obtaining a bill, and I pay an acknowledgement to every one of them for the patient spirit in which he has approached this labor. Today, however, we have arrived at what we think is something of an impasse.

Some days ago, after sessions with the majority leader and in pursuance of the point that was made in the course of discussion when the labor bill went to conference, we had indicated that we might come in with a resolution asking for an instruction of the conferees. We held off as long as we could. It was indicated that the resolution might be offered on Thursday, which was yesterday. We first hinted that it might be on Wednesday. In two or three discussions with the majority leader we finally agreed that it should be presented on Thursday or later, and that there would be a general agreement at least that it would not be called up until Monday for general discussion, in the hope that on Tuesday we could vote upon a resolution of instruction.

I am therefore prepared to submit such a resolution. I do so because it is within the rule to ask for an instruction and at the same time permit the conference to continue.

This evening the conferees agreed to meet again at 10:30 on Monday morning, but under the rule we can be instructed if we reach an impasse and believe that the Senate ought to work its will with respect to some provision in the bill that is perhaps highly controversial, and that has given us some difficulty. We have now reached that stage.

I will give the Senate just a word or two about our progress. We have reached agreement on the first six titles of the bill that is before us. There were, according to my notes, about 42 actions by the conference committee, some of

them rather significant, some rather minor and clarifying in character, but when we finished the first six titles dealing with employer reporting, labor organization reporting, trusteeships, and all that sort of thing, we agreed that the six titles should be closed and could not be reopened except by unanimous consent.

That brought us to the question of title 7 in the bill. Let me mention, incidentally, that the bill before us, the Landrum-Griffin bill, is an amendment to the Senate bill in the nature of a substitute, and therefore we are dealing with a single amendment and everything that is in it. Under the rules, I think anything of reasonable germaneness can come up for consideration by the conferees.

There are a number of items in title 7 on which there is no dispute, such as filling a vacancy in case there is a vacancy in the office of the general counsel; the question of economic strikes, on which we have agreed; the question of a no man's land provision, and while there is some difference there, we are in virtual agreement. On the question of picketing, we have come pretty close together; there is still a little area of disagreement.

Our major difficulty, however, Mr. President, is in the field of secondary boycotts. Boycotts and picketing are covered by a single section in the House bill. There are two sections in the Senate bill. So in pursuance of the understandings we have had and the discussions we had, I ask this afternoon that the committee room be cleared of all staff members, so that the seven Senators and the Members of the House could lay everything on the table, examine the timetable, and determine what we might do in the interest of procuring a labor-management reform bill at the earliest possible date. I think it was agreed in the main, with some exceptions, that it was just as well that we come back to the Senate for an instruction in this controversial field.

So I laid all the cards on the table. There are no aces or deuces up the sleeve. The Senator from Massachusetts [Mr. KENNEDY], knows and has known what I contemplated doing.

The resolution I would have offered today is very short. It would say only that the Senate conferees recede from their insistence on that section in the Senate bill relating to the "no-man's land" provision, and that we concur in the section in the House bill on the same subject, although I think we might reach an agreement in that area with some amendments which have already been proposed in the conference.

Second, and more difficult, is that we recede forthwith from our insistence upon sections 707 and 708 of the Senate bill, relating to boycotts, and that we concur in section 705 of the House amendment on boycotts and recognition picketing.

That is the resolution I propose to offer. It is not privileged. It must lie over for a day before it can be called up. But before the majority leader left we had a great many discussions. The

Senator from Oregon [Mr. MORSE] participated in one. The Senator from Massachusetts [Mr. KENNEDY] participated in one or two. The Senator from Arizona [Mr. GOLDWATER] participated; and I thought we had a firm understanding that we would get the resolution on the table, and have it read to qualify under the rule, with the further agreement that it was not to be called up until Monday for general discussion, in the hope that on Tuesday we could consider the resolution and vote on it.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. The Senator from Massachusetts [Mr. KENNEDY], has an alternative resolution, which would be considered in precisely the same way. So the only purpose at present in seeking to lay aside the unfinished business temporarily was to file these resolutions—not to discuss the substance of them—and let them go until the agreed time for bringing them up, so that the Senate could then vote on this question and instruct its conferees.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Arizona.

Mr. GOLDWATER. I should like to say a few words. I do not wish to detain the Senate long. I should like to discuss the resolution proposed by the distinguished minority leader.

I went to the conference full of hopes that we could reach an agreement in the conference. For the first week we made what I considered to be remarkable progress, but during the last week it became increasingly evident that we would come to grips on the three items which we know from the start would be controversial; namely, the no man's land provision, secondary boycotts, and picketing.

I think it is most important that our Senate colleagues instruct us in this field. In the first interim report of the McClellan committee it was specifically spelled out and signed by seven or eight members, that we should act legislatively in the fields of no man's land, secondary boycotts, and picketing.

After 2½ years' service on that committee with the distinguished Chairman, the Senator from Arkansas [Mr. McCLELLAN], I am convinced that unless we have effective legislation in these three fields, unless we allow the small businessmen of the country to have access to the courts to solve cases which the National Labor Relations Board will not take, by virtue of the fact that the business does not bear importantly enough on interstate commerce—if we do not prohibit secondary boycotts, as was intended by the Taft-Hartley Act; if we allow blackmail picketing to continue, we shall not have an effective labor bill.

We are down now to the points which affect the little businessmen of the country. We are down to the points which affect the corner drugstore, the shoe store, and the service station. We are not down to the points which affect General Motors, Ford, the UAW, and other big unions. We are down to the point where we are talking about things

that affect the future of the small American businessman.

Mr. President, I am hopeful that this body, in its usual serious vein, will advise us in these fields, along the lines of the House bill.

In this connection, I ask unanimous consent that a press release which I issued on this subject this afternoon be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BARRY GOLDWATER ON LABOR BILL CONFERENCE

From the moment the Landrum-Griffin bill came to the Senate I held high hopes that the conferees could iron out the differences between it and the Senate version of a labor reform bill. I had hopes that the conference would produce a bill that would protect the American people, particularly the working people.

For the first week of conference, decided progress was made resulting in great improvement in the first six titles of the House bill. These titles are important because they cover reporting procedures, voting procedures, penalties, relief, and other areas pertaining to responsible labor union affairs.

However, it now becomes obvious to me that the conference cannot agree on the three most important items of the bill; namely, no man's land, secondary boycotts, and organizational or blackmail picketing.

The items on which the conferees seem obviously deadlocked touch directly on the small businessman and the small unions of this country. This is one of the reasons that has compelled me to seek solution by a Senate vote.

Two and a half years of serving on the McClellan committee has convinced me beyond doubt that the continued denial of court solution for cases the NLRB will not take; the continued permission of blackmail picketing; and the continued permission of the once-outlawed secondary boycott, will wreak immeasurable harm on the small businessman, the main-street merchant, of our country.

The conferees have worked diligently on these problems and I am sure it is not through willful intent that agreement has not been reached in these important areas. However, in the first interim report of the McClellan committee, action was specifically recommended in these three areas and, to my mind, such action is most vital to a proper labor reform bill.

It is with reluctance that I make this report to the Senate, but I feel that the interests of the American people can best be served now by allowing the Senate the opportunity to express itself in instructing the Senate conferees to accept the unagreed-upon language in the Landrum-Griffin bill.

Mr. GOLDWATER. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a summary of the action taken by the conferees on labor reform legislation. This study has been prepared by a staff member, and shows the improvements which have been made in the bill during the course of the conference.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE ACTION TAKEN BY THE CONFEREES ON LABOR REFORM LEGISLATION

Definitions: Adopted the House language, which includes definitions of "Secretary," "officer, agent, shop steward, or other rep-

resentative," and "district court of the United States," not contained in the Senate bill.

Title I—Bill of rights for union members: Senate bill required the union member to exhaust reasonable hearing procedures within the union not exceeding a period of 6 months before instituting legal or administrative proceedings against the union or its officers. House provision required only a 4 months' waiting period. Conference adopted House provision.

Right to copies of collective bargaining agreements: Failure to make copies available to employees and members covered by collective bargaining agreements made a crime by Senate bill. House provision enforced by injunction actions brought by Secretary of Labor in Federal courts. Conference adopted House provision.

Title II—Reporting by unions: Both bills require detailed union organizational and financial reports. Conference adopted House language which required every union to adopt a constitution and bylaws and which contained no exemption for small unions. Conference also adopted Senate provision requiring union financial reports to be in such categories as the Secretary of Labor may prescribe.

Union officers and employees conflict-of-interest reports: Senate bill required conflict-of-interest reports from every officer and employee receiving more than \$5,000 a year in wages, salary, expenses, and allowances from the union. House provision required filing of conflict-of-interest reports from union officers and employees regardless of amount received from the union. Conference adopted House provision.

Reporting by employers: Senate bill required reports from employers and labor relations consultants on certain payments or loans to unions or union officers and employees and on expenditures for activities designed to persuade employees to exercise or not to exercise their rights. House bill would require these reports where the expenditures were for the purpose of interfering with, coercing or restraining employees in the exercise of their rights. Conference adopted compromise language requiring: (1) a report from an employer of any expenditure where an object thereof is to interfere with, restrain or coerce employees in the exercise of their rights; (2) a report from an employer and a labor relations consultant of any agreement or arrangement whereby the labor relations consultant undertakes activities to persuade employees in the exercise of their rights.

Attorney-client communications: House provision gave both attorney and client an exemption from reporting any privileged communication. Senate bill gave this exemption to the attorney. Conference adopted Senate provision.

Reports made public information: House bill made reports public information whereas Senate bill also gave Secretary authority to use reports as basis for compilation of studies and statistical reports. Conference adopted Senate provision.

Criminal provision: House bill made violations of title II a crime whereas Senate bill also made violations of rules and regulations issued by Secretary a crime. Conference adopted House provision.

Commissioner of Labor Reports: Senate bill provided for Commissioner of Labor Reports. No provision in House bill. Conference adopted House provision.

Non-Communist affidavits: Senate bill requires affidavits to be filed by employers and union officers. No provision in House bill. Conference adopted House provision.

Title III—Trusteeships: Both bills substantially the same. Trusteeships under House provision presumed valid for period of 18 months whereas Senate bill provided

only 12 months. Conference adopted House provision.

Title IV—Elections: Senate bill required union to comply with reasonable requests of candidates for union office to mail campaign literature under union auspices at candidates expense, but preserved privacy of membership lists. House provision gave candidates right to inspect and copy list of members where there is a union shop. Conference adopted Senate provisions and House provision with respect to inspection.

Removal of union officers: House bill provides removal procedures where union constitution does not provide an adequate procedure for removal of union officers guilty of serious misconduct. Senate bill provides removal procedures even where there is an adequate procedure in union constitution but it is not being followed. Conference adopted Senate provision.

Title V—Codes of ethical practices: Senate bill contains such a code. Not in House bill. Conference adopted House provision.

Title V—Safeguards for unions: Both bills impose a fiduciary responsibility upon union officers. House bill also gives union member right to sue union officer for breach of fiduciary responsibility. Not contained in Senate bill. Conference adopted House provision.

Bonding: Senate bill provides for blanket bonding of union officers and employees handling union funds with a maximum bond of \$250,000. House bill required personal bonding not to exceed \$500,000 and prohibited placing of bond with surety company in which any officer or employee had an interest. Conference adopted House provision.

Loans to union officers: Senate bill prohibited unions from making loans to its officers in excess of \$1,500, whereas House had \$2,500. Conference adopted \$2,000.

Holding union office: Senate bill prohibited convicted and persons violating titles II and III from holding union office. House bill extended prohibition to Communists and ex-Communists, but disqualification removed if citizen's rights restored or Justice Department Parole Board approves such person's service as an officer. House bill also extends prohibition to labor relations consultants and employer associations. Conference adopted House provision.

Mr. KENNEDY rose.

Mr. DIRKSEN. Mr. President, before I yield to the distinguished Senator from Massachusetts, let me say again that I believe we are going to get a bill. I am glad that we are to meet again Monday morning. The conference has been conducted in the most amiable spirit. Now and then there was a little clash, but good feeling prevailed. So, approaching the problem as reasonable beings, I still believe that we can get a bill. But we have reached a difficult point with which we have wrestled for several days, and we do not seem to be able to agree. I think it is the appropriate thing to come back and ask the Senate for instructions.

I now yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Illinois has stated the facts very accurately.

It is true, in the words of the Senator from Arizona [Mr. GOLDWATER], that we did make remarkable progress on the first six sections of the bill. I think I can say quite accurately that the reason we did so was that the Senate conferees yielded. We yielded 27 or 28 times. According to my figures, the House conferees yielded three times. We did so

in the hope of getting a bill. We then came to title 7. With respect to title 7, the Democratic Senate conferees made what I consider to be far-reaching proposals, going far beyond the bill which passed the Senate. We did so in an effort to meet the House conferees more than half way. I personally am not prepared, however, to accept the Landrum-Griffin bill in its entirety, without receiving instructions from the Senate. If that had been the disposition of the Senate, the decision last Monday should have been to accept the Landrum-Griffin bill at that time, without a conference.

To indicate the good will of the Senate conferees, I read from the New York Times of Friday, August 28:

Senator GOLDWATER characterized the product of the conference so far as "90 percent Landrum-Griffin bill—maybe more than that."

The Senator from Arizona [Mr. GOLDWATER] is accurate. It is not going to be a 100 percent Landrum-Griffin bill, so far as the Senate conferees are concerned, unless the Senate so decides.

Therefore, we are offering a resolution which will be a substitute for that of the Senator from Illinois [Mr. DIRKSEN].

Our substitute covers three issues.

First, with respect to the no man's land provision, we are offering to yield to the States jurisdiction over all labor problems, which the NLRB currently refuses to handle. Under the proposal of the Senator from Illinois, the National Labor Relations Board could yield jurisdiction over any cases it wished with no limitation. To permit this would be a clear abdication of congressional responsibility.

We say, that cases which the NLRB refuses under its present jurisdictional standards to handle should be sent to the States. This is a major retreat from the Senate provision. It ends the no man's land and is truly a middle position between the Senate and House versions.

On the second point, we accept the broad language of the House bill with respect to secondary boycotts. But we insist on a few wholly reasonable and necessary limitations. First, restrictions upon subcontracting which are absolutely essential to stabilizing wages in such industries as the garment industry are not forbidden. In that industry while production is carried out by subcontractors, it is highly integrated and the unions customarily have utilized clauses in their contracts to insure against subcontracting to substandard sweatshops. We insist that unions in the garment industry continue to have that right and that it is socially desirable. To accept the House provisions without the limitations which we have suggested would be to invite chaos in this industry.

Workers on construction jobs should be granted the same right to picket as other workers and they should be subjected to the same restrictions as other workers.

The traditional right of workers to handle struck goods would be preserved by this substitute.

Workers would not be denied under the substitute the traditional right to ask the public not to patronize one who sells nonunion goods or goods of a manufacturer engaged in a labor dispute.

With respect to situs picketing in the construction industry, we have taken the language of the administration bill presented to the House and Senate. It was offered in the Senate by the Senator from Arizona [Mr. GOLDWATER].

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. May I ask whether the first of these provisions relates very importantly to the garment industry?

Mr. KENNEDY. The Senator is correct.

Mr. JAVITS. And the union of which so many of us are proud, namely, the International Ladies Garment Workers Union.

Mr. KENNEDY. The Senator is correct.

Mr. JAVITS. We would put them out of business if we did not meet that situation.

Mr. KENNEDY. The Senator is correct.

Finally, we accept the limitations on organizational picketing proposed in the House amendment. Organizational picketing in our substitute is closely restricted, with three qualifications which are fair and reasonable. The House bill provides that before there can be picketing, 30 percent of the employees must be signed up.

Second, picketing can continue for only 30 days.

Under our substitute if the result of the picketing is to deny the entry of goods—in other words, if the Teamsters say, "Sign up or you will not get any goods," an early election may be obtained by an employer—a right he does not have today. If the union loses the election, the picketing must cease.

Under our substitute proposal organizational picketing can take place only under limited conditions. All are in our opinion most fair and equitable.

First. A union may use pickets in an effort to organize until there is an election in which the NLRB can determine the employees' wishes. But a union which is stopping truck deliveries or other employees would not be allowed to avoid an election.

Second. Picketing, in the absence of a contract or an election, which has only the effect of notifying the public of non-union conditions, and asking the employees to join the union would not be banned.

Third. A union would be allowed to picket an employer who has committed unfair labor practices. This exception respects the equities in a picketing situation and protects workers against unfair employer tactics.

If the union lost that election, it could not picket for a year. So I think this would protect the employer from this attack by the unions to put pressure on the employer to force him to coerce his employees to join the union, because otherwise he would not get deliveries.

In other words, we say, in effect: "You can start picketing with anything you

have, with any members you have; but if the picketing results in stopping deliveries or service employees from entering the premises, then there must be an immediate election." Then if the union loses the election it may not picket until a year later.

I must be frank. I do not know how we could go any further. That is 90 percent of the Landrum-Griffin bill. If the Senate wants to apply the hot cargo doctrine, because of the Teamsters, to all labor, and if we want to deny labor the right to picket and lessen the right of workers to protect themselves, then I think the Senate should adopt the suggestion of the Senator from Illinois. In my opinion, it would be far more difficult and far more restrictive than Taft-Hartley. It would virtually cut off any further attempts to organize unorganized workers. This matter will be debated next week.

The Senator from Oregon will offer a motion on no man's land, an alternative which is taken from the language of the Senator from Vermont [Mr. PROUTY], because he feels we have gone too far in that regard.

Mr. DIRKSEN. Mr. President, I should say to the Senate that I had not intended to discuss any specific provisions. I do not expect to discuss here very many of the provisions which are not in the Landrum-Griffin bill or in the Senate bill. Some of these provisions are not in either, as I recall. But here is my difficulty: We got into a tizzy in the illustration used about a mattress plant located, let us say, in Raleigh, N.C., which has a very good customer in St. Louis, Mo. They have a labor dispute in Raleigh, and the pickets show up at the customer's plant in St. Louis. We spend a day discussing what shall appear on the signs. Can they put something in the newspapers? Can they go on the radio?

Mr. KENNEDY. We agreed to that. It is not a part of our resolution.

Mr. DIRKSEN. It is a question of customer picketing.

Mr. KENNEDY. That is right. In that case, we have receded on the question of consumer picketing of a secondary employer.

Now we are going quite far in limiting the right of unions, the traditional right to carry on picketing. And I will say to the Senator that on the point which he raises we have already agreed to the House position.

Mr. DIRKSEN. There has been no agreement.

Mr. KENNEDY. There has been no resolution.

Mr. DIRKSEN. That is as to picketing. With respect to the other items in the bill, we have some difficulty. For instance, shall we mention the garment industry in the bill? The Senator from West Virginia [Mr. RANDOLPH], with logic on his side, asked, "If we are going to mention the garment industry, why not include a provision to safeguard the coal industry?"

I say now for him, as an old friend, that he made a valiant effort for the dominant industry in his State to have that provision written into the bill. But

we rejected it. So it is not merely black and white; there are great areas in question. We have fended, foraged, and worked in order to find something of an agreeable ground that still meets this great problem that came like a wave out of the country with respect to recognition picketing and also boycotting.

I am mindful of the Denver case, too. One of the conferees was in the contracting business. He said, "Don't be silly. If you have five subcontractors—plumbing, heating, electrical work, and the like—on the job in addition to the general contractor, and there is a difference, and they strike a subcontractor, you know that all the work closes down."

Is there an area of agreement, so as to maintain equity and fairness on all sides? Those are parts of the difficulty, and those, of course, we shall come back to belabor at greater length. But this is not the point of controversy. We must come back here to get instructions, because we simply have not been able to agree.

I now yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I shall take only 2 or 3 minutes to make a brief statement tonight. Before I discuss the so-called no man's land issue, I join with the Senator from Illinois [Mr. DIRKSEN] in assuring the Senate that this conference was a conference which at all times consisted of 14 committee members and the staff members who in good faith sought to work out a compromise settlement of this very troublesome legislation.

As I said this afternoon in committee, and I state on the floor of the Senate tonight, in my 15 years in the Senate I have never served under a leader in a conference who did such a magnificent job, who demonstrated such a complete impartiality, who was so considerate of the rights of his colleagues on the conference, as was the Senator from Massachusetts [Mr. KENNEDY] in the handling of this very difficult conference. I do not think there was a person in the conference—and I heard members of the conference say this in effect, and I heard the Senator from Illinois [Mr. DIRKSEN] say it in some detail this afternoon—I do not think any one of us on that conference ever participated in such a difficult conference from the standpoint of the complexity of the issues which confronted us. I think it is due the Senator from Massachusetts that I make this statement.

It is also due the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Vermont [Mr. PROUTY], who found themselves, time and time again, in disagreement with the four Democrats on the conference to state, I felt, as did the Senator from Massachusetts, that they too, recognized that we had the responsibility to our parent body of trying to do our level best to bring forth an agreement.

We tried, but up until this hour we have failed in the area which has been outlined by the Senator from Illinois and the Senator from Massachusetts.

The other point I wish to make, before I discuss briefly the no man's land issue, is, I most respectfully say to the Senator from Massachusetts and the Senator from Illinois, that it came as complete news to me—and the first time I heard it was at the press conference following the end of the committee conference this afternoon—that any agreement or any understanding was reached that there could be no further consideration of any item in the first six titles.

I am not sure that such an agreement was reached, but if it was reached, it must have been reached while I was in debate on the floor of the Senate or must have been reached while I was at a meeting of another committee, because I was not aware of that understanding. To the contrary, I had said in the conference, as my colleagues will remember, that on a couple of issues, for example, that involving union membership lists and that involving hearings, I hoped we could return to them at a later time, so that after further reflection they could be considered again. But I say to the Senator from Illinois, that that is all right. If that understanding was reached without my knowledge, I stand bound by it, because that is the way we play the game in conference.

Mr. DIRKSEN. I have kept very careful notes:

At the fourth session of the conference, on Friday, August 21, it was, on informal motion by Senator KENNEDY, agreed that all matters in the first six titles shall be deemed closed and may not be reopened except by unanimous consent.

That was agreed to by unanimous vote.

Mr. MORSE. I simply repeat that I was unaware of that action at any time. Had I been aware of it, I would have had something to say about it.

Mr. KENNEDY. I, too, regret that the Senator from Oregon was not informed about that. I think it is my fault.

Mr. MORSE. It is nobody's fault. How could we, in a conference such as that, cover every detail?

Mr. KENNEDY. However, I do not think we should restrict any Senator from offering any resolution he wishes to offer. Personally, I feel that I am bound by such an agreement with respect to the first six titles. But I do not think a unanimous-consent agreement in conference binds any Senator here from offering any amendment.

Mr. DIRKSEN. It is binding only on the members of the conference. I doubt whether it is binding here.

Mr. MORSE. I think it is binding. The fact that I was not aware of it does not make the matter any less binding upon me.

To show my good faith in the matter, I think it is perfectly proper for me to say this now, as I did when we had our discussion regarding the action taken over the objection of some of us concerning the inspection of union membership lists. I said, "If this stands, I will spend all the rest of my time in good faith trying to help improve the bill. But if this is permitted to stand, I will never sign a conference report which

contains this provision, because in my judgment it would strike at the very roots of one of the most important rights of labor—namely, the right to protect itself, under union laws, and in the case of many unions, to protect itself even from its international officers."

After having made that statement, I think I give evidence of good faith when I say I would not knowingly have stopped the consideration of any other matter.

But be that as it may, let me say now that if my friend, the Senator from Vermont [Mr. AIKEN], will refrain for a moment from making the request which I am afraid he will make—namely, a request for the regular order—I wish to serve notice that when this matter is taken up on the floor, I shall offer an amendment to the no man's land proposal contained in the list referred to this evening by the Senator from Massachusetts [Mr. KENNEDY]; and I think the Senate is entitled to know that in the conference we reached no agreement on the no man's land provision.

It is my judgment—although the Senator from Illinois [Mr. DIRKSEN] and I disagree as to how close the conferees came to reaching an agreement—that the conferees did not come very close to reaching an agreement on the no man's land provision, because it involves another one of the great differences which exist among and between the members of the conference.

It is true that the Senator from Massachusetts offered a package resolution which contained some language in regard to the no man's land issue; but it was language to which I could not accede. But the Senator from Massachusetts made very clear that he was offering it only on condition that the provisions contained in the package resolution were adopted. But they never have been adopted.

I have taken the position that the so-called Prouty language on the no man's land issue—and I think that language is the best piece of draftsmanship on any issue we had before us at any time during the 11 days of the conference—should be the language finally adopted on the no man's land issue.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD—without reading it—a memorandum entitled "Main Provisions of Amendment To Be Proposed by Senator MORSE on No Man's Land Jurisdiction." I point out that the provisions of the amendment are the provisions on the no man's land issue which were drafted by the junior Senator from Vermont [Mr. PROUTY].

THE PRESIDING OFFICER. Is there objection?

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MAIN PROVISIONS OF AMENDMENT TO BE PROPOSED BY SENATOR MORSE ON NO-MAN'S LAND JURISDICTION

1. The NLRB must publish within 30 days after the enactment of this act the limitations on its exercise of jurisdiction which it proposes to observe, and such limitations shall be substantially in accord with those now in effect.

2. Any person not certain whether his case comes under the jurisdiction of the Board may petition the Board for a ruling. If the Board does not act in 30 days on the petition, it will be presumed the Board has declined jurisdiction.

3. Whenever the Board, by rule or otherwise, declines jurisdiction over an unfair labor practice case, the State courts will have jurisdiction over such case. But the State courts shall apply and be governed solely by Federal law as set forth in section 8 of the National Labor Relations Act and NLRB and Federal court rules of decision construing these sections.

4. If a State sets up an agency to take jurisdiction over cases which the NLRB has declined by rule or otherwise, such an agency may take jurisdiction over not only unfair labor practice cases, but also representation proceedings and all other labor disputes. Here again the State agency shall apply and be governed solely by Federal law and Board and Federal court rules of decision construing such Federal law.

5. Decisions of an agency or court of a State shall be reviewed in State courts according to State practice and procedure, and then shall be subject to review only by the Supreme Court of the United States upon writ of certiorari.

Mr. MORSE. Mr. President, this issue involves—and I ask my colleagues to keep this point in mind over the weekend—the very fundamental question of whether we are to establish a precedent that State courts are to be given jurisdiction over interstate commerce issues, and thereby permit the danger of a future expansion by means of having State courts take over the handling of industrial relations in interstate commerce cases, which under the Constitution fall to the Federal Government.

Of course we can delegate that power if we wish to do so. But if we do delegate it, we then establish, not a uniformity of justice under the interstate commerce clause, but a lack of uniformity. In that case, in every State in which we suspect, from experience, that the State courts are not very sympathetic—and that is true in some cases—to the Federal policies under the Taft-Hartley Act, there is a danger of favoritism. Rulings may be made in favor of employers in those States and to the disadvantage—let me say to the Members of the Senate from New England and from the Midwest and from the West—of employers in other sections of the country.

I hold to the doctrine that the interstate commerce clause should be applied uniformly across the country—in the East, in the Middle West, in the West, in the North, and in the South.

The Prouty amendment provides, in essence, that the Congress will delegate to the State courts jurisdiction over the cases which the National Labor Relations Board says it will not take jurisdiction of—for one reason or another; but those State courts will be required to follow the Federal law; and any appeals will be made to the U.S. Supreme Court, by way of writs of certiorari.

That, in essence, I say, is the Prouty amendment; and that is the proposal I shall make when this matter comes before the Senate.

Mr. GOLDWATER, Mr. SCOTT, and other Senators addressed the Chair.

Mr. DIRKSEN. Mr. President, I had not contemplated that at this time there would be a lengthy discussion of the merits of the issues involved. This matter was brought up at this time mainly to get it before the Senate and in broad outlines to indicate the chief issues.

First, I wish to ask the Senator from Vermont whether there is objection to the submission of these two resolutions, to lie over, under the rule.

Mr. AIKEN. First, I should like to hear the answer of the Senator from Massachusetts to the pending question of the Senator from Pennsylvania [Mr. SCOTT].

Mr. DIRKSEN. Very well. In that case, I yield now to the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator from Illinois for yielding to me.

Mr. President, I should like to address a question to the Senator from Massachusetts [Mr. KENNEDY]. In commenting on his proposed substitute for the resolution of the Senator from Illinois, the Senator from Massachusetts has referred to his proposed substitute as a package resolution.

Some of the suggestions to which the Senator from Massachusetts has referred certainly have appeal—perhaps greater appeal than some of the other suggestions may have to some Senators. That being the case, let me inquire whether the Senator from Massachusetts would consider submitting, as substitutes, each of his proposals separately—in other words, each one as a separate substitute resolution—if that is possible—or whether, in accordance with parliamentary procedure, a way may be found to give the Senate an opportunity to vote on the separate instructions to the conferees, rather than to require the Senate to vote either up or down the entire so-called package resolution.

Mr. KENNEDY. This is submitted on behalf of myself, the Senator from Michigan [Mr. McNAMARA], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH]. I assume they would regard it as far wiser to have these brought up issue by issue, so the Senate could work its will on them. So it is my intention to proceed in the manner the Senator from Pennsylvania suggests.

Mr. SCOTT. I thank the Senator from Massachusetts.

Mr. DIRKSEN. Mr. President, I yield now to the Senator from Arizona [Mr. GOLDWATER], for some clarification on the question about the package resolution.

Mr. GOLDWATER. Mr. President, the Senator from Oregon [Mr. MORSE] stated there had been no agreement on the no man's land provisions. I can understand how he would interpret that as being so. But the no man's land provisions contained in the so-called package resolution have been agreed to and accepted by the House of Representatives, and were agreed to informally by all the conferees then present. But when that proposal was put to a vote in the conference, it was defeated.

So, Mr. President, to state that the conference committee was not in agreement is not completely correct, although I can understand the mistake.

This leads us to a point about which we shall hear considerably during the subsequent debate; and I want my colleagues to understand it:

When the package resolution was under consideration, this question was asked: Is this a package resolution which later can be used as a weapon?

The answer was, "No."

And I understand the provisions of the package resolution to be provisions which the Senate Democratic conferees—not necessarily completely in agreement with the Senate Republican conferees—were offering for consideration.

A day or two later we found that it was a package arrangement, and that we would have to take either all of it or nothing; and I want my colleagues to know that. I am not critical as to that; but I think the language used in the conference was very clear, and I want to clear up that point.

Mr. DIRKSEN. Mr. President, at this time, I wish to yield to another member of the conference committee, the junior Senator from Vermont [Mr. Prouty].

But before doing so, I ask unanimous consent that we may submit these resolutions at this time. Mr. President, I request unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. AIKEN. Mr. President, first, I should like to obtain a little information: Do I correctly understand from the majority leadership that the Senate will be in session until 10 o'clock or so tonight?

Mr. MANSFIELD. Yes.

Mr. AIKEN. At what time is the Senate to convene tomorrow morning?

Mr. MANSFIELD. At 10 o'clock.

Mr. LAUSCHE. Did the Senator from Montana say 8 o'clock?

Mr. MANSFIELD. If that is wished by Senators; but I said 10 o'clock.

Mr. AIKEN. Do I also correctly understand that it is anticipated that the Senate will be in session until late tomorrow night?

Mr. MANSFIELD. Probably.

Mr. AIKEN. On Monday, what will be the pending business?

Mr. MANSFIELD. On Monday, the measure which now is the unfinished business will continue to be the unfinished business or the pending business; but request will be made to have the unfinished business temporarily laid aside, in order that the Senate may proceed to the consideration—and I hope their consideration will not take too long—of these resolutions, in the hope that on Tuesday, perhaps under an agreement for limitation of debate, the Senate might reach a vote on the resolutions we are now discussing.

Mr. AIKEN. But do I correctly understand that it is the intention of the acting majority leader to have the measure which now is the unfinished business temporarily laid aside at that time, so that the resolutions in connection with the conference on the labor bill may then be considered?

Mr. MANSFIELD. That is correct.

Mr. AIKEN. And do I also correctly understand that it is planned and expected that thereafter consideration of the measure which now is the unfinished business or the pending business will then be resumed?

Mr. MANSFIELD. Yes.

Mr. AIKEN. I noted that the Senator from Pennsylvania [Mr. Scott] asked the Senator from Massachusetts [Mr. Kennedy] whether it would be possible for the Senate to vote separately upon the various provisions of the package resolution; and I understood the answer to that question to be "Yes."

Mr. KENNEDY. Yes.

Mr. AIKEN. Does the Senator from Illinois so understand?

Mr. DIRKSEN. Under the rule, where there are different substantive matters in the same resolution, it is my understanding they are divisible, and they can be acted on in a separate vote. In addition, Senators should know, and I think they do know, these resolutions are amendable. A Senator can move to strike out or insert or amend, subject to the will of the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. AIKEN. With that understanding, and thanking the members of the conference committee for giving us a breathing spell on the pending business, I would have no objection.

Mr. JAVITS. Mr. President, I reserve the right to object.

Mr. MANSFIELD. If this cannot be done under the pending business, the pending business can be laid aside to take up the resolution.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I want it to be understood that all of us shall have adequate notice of any unanimous-consent request to limit debate or the conditions under which amendments may be offered, and so forth. I think that is very important in this case. I expect to attend fully, but I do think we should understand ourselves on that score, and the assurance of the minority leader will be quite adequate for me.

Mr. DIRKSEN. I assure the Senator from New York on that point.

Mr. President, I want to yield to another member of the conference committee who has done yeoman service, the Senator from Vermont [Mr. Prouty].

The PRESIDING OFFICER. The Senator from Vermont.

Mr. PROUTY. I thank the Senator from Illinois. First, I should like to express my appreciation to the Senator from Oregon [Mr. Morse] for his words of commendation on the no man's land proposal. It was done in good faith. I think it is the only realistic approach. It really preserves the States' rights concept. It allows the States to act in these matters, where in the past they have not been permitted to. I think it is a sound, worthwhile amendment.

Mr. President, I am not going to take time to discuss this or other issues at this time, because those will all be brought up later, next week. I do wish to point out that every conferee, both from the House and the Senate side, did

his utmost to reach a fair and equitable conclusion. There was no intent on the part of any conferee to take any anti-labor or probusiness stand. The conferees were taking a position which they honestly believed would be in the interest of the general public.

We have not succeeded entirely in resolving these differences, but I have not yet given up hope that the conferees themselves may arrive at some decision which will meet with general approval before this matter is brought up on the floor of the Senate. I hope very much it can be done, and I am certain it is not beyond the realm of possibility.

I do want to pay my respects to the Senator from Massachusetts, chairman of the conferees, and to all members of both parties who served on the conference. They were there as honest men, trying to do a good job for the benefit of the people of this country, members of unions, as well as members of management.

We have gone a long way. We have a little distance to go. I think if there is good faith on both sides we are going to achieve the objective. I do appreciate the distinguished minority leader's yielding to me.

Mr. DIRKSEN. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. LAUSCHE. Mr. President, reserving the right to object, I would gladly like to accommodate, without objection, the request that has been made. On the bill that is pending the arguments have been germane and pertinent to the questions which the Senate has to answer. Implications have been made that they are raised with a deliberate purpose to delay. We have been told that we would meet tomorrow, Saturday, at 10 o'clock, and work until 12 o'clock—

Mr. MANSFIELD. Mr. President, will the Senator yield just for a correction of the Record? I did not say, and certainly there was no intimation, that we would meet until 12 o'clock tomorrow night. We did get unanimous consent this morning, however, to meet at 10 o'clock tomorrow morning.

Mr. LAUSCHE. I am glad to have the Senator from Montana say that. Reluctantly do I make the statement that the hours of meeting, in a measure, are being adopted to conform to the wishes of those who make the choice. By that I mean if coercion is sought to be applied and achievement of the objective through exhaustion, the hours are fitted to suit the objective.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Vermont.

Mr. AIKEN. I think the Senator from Illinois has the floor. I wanted to say that was exactly what I meant a short time ago when I said that the Members of the Senate deserved some consideration, too. We have been pretty well whipped around for nearly 2 months.

Mr. LAUSCHE. I asked merely for the opportunity of studying the record, and I was beaten down, ridiculed, for the proposition that I stated—that it is

impossible for me to receive the record at 12 o'clock and be able to go forward with any intelligence on the subjects that were discussed. We were called in at 10 o'clock this morning, and we are told we will be here until 12 tonight.

Recognizing the modification made by the Senator from Montana, the fact is that each one of us has understood that we will meet at 10 o'clock tomorrow morning and work until 12 o'clock tomorrow night. That is coercion, and nothing else.

Now the request is made that all things be set aside to accommodate the wishes and the convenience of those who were speaking to the Chair, and when they are accommodated those who are interested in the bill pending in the Senate shall be again subjected to these endless hours, with no one present listening to the arguments.

I have had my say. I do not hesitate in repeating that those are my impressions—that, according to the wishes of those in control, the hours are shortened or lengthened. It is a sort of Procrustes' bed. I refer to the man in Greece who caught travelers. He had a bed. When a man was too long to fit in the bed, he cut off his legs. When a man was too short, he stretched him. In other words, he did what was necessary to suit his wishes.

I do not object to the request, but I did want my views to be known on this subject.

Mr. MANSFIELD, Mr. DIRKSEN, and Mr. HOLLAND addressed the Chair.

Mr. LAUSCHE. I do not yield. I am representing the State of Ohio. It is a sovereign State. It has given its sons to this Union, in the defense of it, and on this important issue my State is entitled to better consideration than it has received in fixing the hours of debate.

Mr. MANSFIELD and Mr. HOLLAND addressed the Chair.

Mr. MANSFIELD. Mr. President, reserving the right to object, I wish to say the Senator from Ohio did not state the case clearly. We happen to operate in this body under majority rule. We obtained unanimous consent this morning to meet at 10 o'clock tomorrow morning. If the Senator wants to talk about sacrifices made by his State, I want to tell him that in the last two world wars, on a percentage basis, there were more men from the State of Montana than from any other State in the Union who served. I am not trying to be arbitrary or capricious. I am not trying to force my will on the Senator from Ohio or any other Senator, but we are operating under majority rule. Let me tell the Senator I am just as tired as he is, and I hope we can come to a vote soon enough so we can dispose of the bill one way or another.

Mr. HOLLAND. Mr. President, reserving the right to object, and I shall not object, because I think the resolutions submitted and the proposed amendment have been well thought out—I certainly commend the conferees for their good temper and for their assiduous attention to duty.

However, I should like to bring up one point which gives me some concern. I

recall that when this important issue went to conference it was stated by some of our most respected Members that in the event there was disagreement in conference the Senate would have an opportunity to pass upon, to vote up or down, the House bill. I think my memory serves me correctly when I state that assurance was given not once but several times during the time we were discussing the question of allowing the bill to go to conference.

Mr. President, it may be that in the form submitted these various resolutions would permit that kind of action, but I am inclined to doubt it, after simply having heard this discussed. I should like to invite attention to the fact that there are Members of the Senate, of whom I am one—and I have heard others mention the same thing—who, when approached by the citizens of their States as to why they had been agreeable to having the bill go to conference, stated to those citizens that we had had assurance that in the event there was no working out of problems in the conference, in the event there was disagreement, the matter would be reported back to the Senate and the Senate would have a chance to vote up or down the House bill.

I bring that matter to the attention of the distinguished minority leader; to the attention of the distinguished chairman of the Senate conferees, the Senator from Massachusetts; and to the attention of other Senators who have spoken on the floor; because I think it is a matter which will cause some concern to various Members of the Senate. It certainly causes concern to me, because I have assured numerous citizens of my State I understood we were to have that right, that privilege, and that opportunity.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HOLLAND. If I have the floor, I am glad to yield.

Mr. MORSE. Mr. President, will the Senator from Illinois yield for a comment?

Mr. DIRKSEN. I yield, Mr. President, but I hope we can have action on the request.

Mr. MORSE. This will take only about 30 seconds. It is a very important point the Senator from Florida has raised.

I will say to the Senator from Florida, this matter has been discussed. There is nothing in the form of these resolutions which would stop any Senator from offering a substitute, that the Senate conferees be instructed to bring back the Landrum-Griffin bill, if the Senate wants to do that.

Mr. HOLLAND. I thank the Senator from Oregon.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. Mr. President, reserving the right to object—

Mr. McCLELLAN. Mr. President, reserving the right to object, I should like to clarify one point.

Do I correctly understand that the resolution the distinguished Senator from Illinois will present would in effect approve all of the balance of the Landrum-Griffin bill on which agreement has not yet been reached in conference.

Mr. DIRKSEN. Mr. President, that is substantially correct.

Mr. McCLELLAN. That is what I thought. I understood the conferees had agreed to the first six titles. Now, the resolution proposes that the conferees recede from the Senate position and accept the House bill with reference to the highly controversial features of title 7. Is that correct?

Mr. DIRKSEN. That is substantially correct.

Mr. President, if I may put this matter in focus, my notes show there were 42 separate and distinct actions by the conference on the first six titles. Those we have buttoned up. We have come to title 7. Already there are a number of items on which we have agreed, like the economic strikers, the striking out of one of the sections, and that sort of thing. Therefore, the area of disagreement is narrowed.

The resolution I have submitted has been designed to be very simple; to concur on the no man's land language in the Landrum-Griffin bill, and, secondly, to accept the House version on boycotts and economic picketing. The resolution is very simple. It is subject to amendment. Any Senator can offer as many amendments as he wishes.

I believe, Mr. President, this action will keep faith with what we said when the bill was sent to conference.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. Mr. President, reserving the right to object, I will state that the Senator from South Dakota has listened to this debate with considerable interest and has been thinking of its relationship to the pending business, which was temporarily laid aside. The Senator from South Dakota has also been thinking of the matter in terms of its relationship to the work which remains for this session to accomplish before it adjourns.

I was one of those, Mr. President, who voted to report the bill H.R. 1, from the Committee on Public Works, because I felt that our responsibilities dealt with the use of water and the public works aspects of the matter. I thought that question was properly before our committee.

A year ago, when we had a similar question as to the Lake Michigan water diversion, the representation before the committee was that Canada had no objection to the short-term diversion of water for the purposes of making a study. This year, however, after the bill passed the House of Representatives and came to the Senate—

Mr. President, may we have order in the Chamber? I am about to propound a unanimous-consent request which I think will have some significance.

The PRESIDING OFFICER. There is a unanimous-consent request now pending before the Senate.

Mr. CASE of South Dakota. Under my reservation, I want to state why I might

object to the request and propound another one, or at least raise a question concerning one.

This year, after the House of Representatives had acted on the bill, H.R. 1, the Government of Canada addressed a note to our State Department in which it took very sharp exception to the proposed legislation. That was brought to the attention of the Committee of Public Works at the time that we were considering H.R. 1.

I felt, however, that the international aspects of the matter were not something which should be determined by the Committee on Public Works, and I stated at the time that I felt that aspect of the matter should be considered by the Committee on Foreign Relations under the jurisdictional responsibilities of that committee.

On the 20th of August the Canadian Government again addressed a note to the State Department, calling attention to its memorandum of April 9, and pointing out that it explicitly had set forth its views and feelings that the action contemplated under H.R. 1 would be in violation of certain agreements and conventions.

Therefore, I feel that that aspect of H.R. 1, as to its effect upon the foreign relations of this country with such an important neighbor as Canada, should be considered by the Committee on Foreign Relations.

Mr. President, I should like, if possible, to ask unanimous consent that the bill, H.R. 1, be referred to the Committee on Foreign Relations with instructions to report thereon not later than the 15th of January 1960. Is that possible?

Mr. DOUGLAS. Mr. President, I must object.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. A motion has not been made.

Mr. CASE of South Dakota. Mr. President, I simply asked whether something of that sort could be granted. I think if unanimous consent could be granted, then the way would be clear for the consideration of the resolution which is proposed to be brought up. It would facilitate the work of this session. It would make it possible for us to proceed to other business and clean up the work of this session. It would give the Committee on Foreign Relations ample opportunity to consider those aspects of the bill. It would not amount to a tabling of H.R. 1. I voted against tabling H.R. 1. However, that procedure would make it possible for the Committee on Foreign Relations to consider the international aspects of the matter. By providing a date certain, January 15, we would insure that the bill would come back to the Senate with a recommendation, whatever it might be, of the committee.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Has the Senator from South Dakota made a motion?

Mr. CASE of South Dakota. Mr. President, is it possible to make that request?

The PRESIDING OFFICER. No. The Senator from South Dakota has not made a motion.

Mr. CASE of South Dakota. The Senator from South Dakota has not made a motion. The Senator from South Dakota has not made a request. The Senator from South Dakota has merely inquired whether it would be possible to make such a unanimous-consent request.

Mr. DIRKSEN. Mr. President, may I ask the Presiding Officer to put the question on the request to file these two resolutions, for myself and the Senator from Massachusetts [Mr. KENNEDY]?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. McNAMARA. Mr. President, reserving the right to object, do I correctly understand that the resolution to be presented by the Senator from Massachusetts [Mr. KENNEDY] was signed only by the Senator from Massachusetts [Mr. KENNEDY]?

Mr. MANSFIELD. No.

Mr. DIRKSEN. By Senators McNAMARA, MORSE, and RANDOLPH.

Mr. CASE of South Dakota. Mr. President, would the Chair advise whether I could make such a unanimous-consent request?

The PRESIDING OFFICER. The request might be made, but not at this point.

Mr. CASE of South Dakota. Not at this point.

Mr. DIRKSEN. Mr. President, has the Presiding Officer ruled on the unanimous-consent request?

The PRESIDING OFFICER. Is there objection to the request from the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that with the Kennedy resolution there be filed certain matter, including analyses, which are submitted with his resolution for inclusion in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the resolutions will be received, and lie over under the rule; and, without objection, the analyses will be printed in the RECORD, as requested by the Senator from Illinois.

The resolutions are as follows:

The resolution (S. Res. 180), submitted by Mr. DIRKSEN, is as follows:

Resolved, That the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment (in the nature of a substitute) of the House to S. 1555, the "Labor-Management Reporting and Disclosure Act of 1959", are instructed as follows:

(1) to recede forthwith from their insistence upon section 701 of the Senate bill and concur in section 701 of the House amendment captioned "Federal-State Jurisdiction";

(2) to recede forthwith from their insistence upon sections 707 and 708 of the Senate bill and concur in section 705 of the House amendment captioned "Boycotts and Recognition Picketing".

The resolution (S. Res. 181), submitted by Mr. KENNEDY (for himself, Mr. McNAMARA, Mr. MORSE, and Mr. RANDOLPH), was ordered to lie over under the rule, as follows:

Resolved, That the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the House of Representatives (in the nature of a substitute) to S. 1555, the "Labor-Management Reporting Act of 1959", are instructed to insist on the inclusion in the conference agreement of the following provisions:

"FEDERAL-STATE JURISDICTION"

"1. (a) Section 14 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) (1) The Board, in its discretion, may, by rule of decision or by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction over any labor dispute involving any class or category of employers, where, in the opinion of the Board, the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction: *Provided*, That the Board shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959.

"(2) Nothing in this Act shall be deemed to prevent or bar any agency or the Courts of any State or Territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands), from assuming and asserting jurisdiction over labor disputes over which the Board declines, pursuant to paragraph (1) of this subsection, to assert jurisdiction."

"(b) Section 3(b) of such Act is amended to read as follows:

"(b) (1) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. The Board is also authorized to delegate to its regional directors its powers under section 9 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional director. The Board shall have an official seal which shall be judicially noticed. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed."

"BOYCOTTS AND RECOGNITION PICKETING"

"2. (a) Section 8(b) (4) of the National Labor Relations Act, as amended, is amended to read as follows:

"(4) (i) to engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to threaten, coerce, or

restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object thereof is:

"(A) forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by section 8(e);

"(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9;

"(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9;

"(D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided*, That nothing contained in this subsection (b) shall be construed either to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act, or to prohibit publicity for the purpose of truthfully advising the public (including consumers) that an establishment is operated, or goods are produced or distributed, by an employer engaged in a labor dispute, without inducing employees to refuse to pick up, deliver or transport any goods, or perform any services at such establishment: *Provided further*, That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful where not otherwise unlawful, any primary strike or picketing: *Provided further*, That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful where not otherwise unlawful any strike or refusal to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers."

"(b) (1) Section 8 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(e) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, expressed or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any collective bargaining contract entered into heretofore or hereafter containing such an agreement shall be to such extent un-

enforceable and void: *Provided*, That as used in this section and section 8(b) (4) (B) the terms "any employer", "any person engaged in commerce or an industry affecting commerce" and "any person" when used in relation to the terms "any other producer, processor or manufacturer," "any other employer" or "any other person" shall not include persons in the relation of (i) joint venturers or contractors and subcontractors within the meaning of the third proviso to subsection (b) of section 8, (ii) a person engaged in a labor dispute and any other employer who is performing for such person work which he is unable to perform because of the labor dispute; or (iii) a jobber or manufacturer and subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production, including jobbers, manufacturers, contractors, and subcontractors in the apparel and clothing industry: *Provided further*, That nothing in this Act shall prohibit the enforcement of any agreement which is within the foregoing exception."

"(2) Any contract or agreement between an employer and a labor organization heretofore or hereafter executed which is, or which calls upon anyone to engage in, an unfair labor practice under section 8(e) of the National Labor Relations Act, as amended, shall to such extent be unenforceable and void.

"(c) Section 8(b) of the National Labor Relations Act, as amended, is amended by striking out the word 'and' at the end of paragraph (5), striking out the period at the end of paragraph (6), and inserting in lieu thereof a semicolon and the word 'and', and adding a new paragraph as follows:

"(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees:

"(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning representation may not appropriately be raised under section 9(c) of this Act, or

"(B) where within the preceding twelve months a valid election under section 9(c) of this Act has been conducted, or

"(C) where such picketing has been conducted without a petition under section 9(c) being filed within a reasonable period of time not to exceed 30 days from the commencement of such picketing: *Provided*, That when such a petition has been filed the Board shall forthwith, without regard to the provisions of section 9(c) (1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof: *Provided further*, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver or transport any goods or not to perform any services.

"(d) Section 10(1) of the National Labor Relations Act, as amended, is amended by adding after the words 'section 8(b)', the words 'or section 8(e) or section 8(b) (7),'

and by striking out the period at the end of the third sentence and adding the following:

"*Provided further*, That where a charge is filed under section 8(b) (7) it shall be a defense both to the application for a temporary restraining order and to any complaint issued under section 10(b) to show that an unfair labor practice within the meaning of section 8(a) has been committed by the employer."

"(e) Section 303(a) of the Labor Management Relations Act, 1947, is amended to read as follows:

"(a) It shall be unlawful, for the purpose of this section only, in an industry or activity affecting commerce, for any labor organization to engage in any activity or conduct defined as an unfair labor practice in section 8(b) (4) or section 8(b) (7) of the National Labor Relations Act, as amended."

The analyses accompanying Senate Resolution 181 are as follows:

EXPLANATION OF PROPOSED COMPROMISE ON TITLE VII

NO MAN'S LAND

The proposal adopts the House bill, except that it prevents the NLRB from declining to exercise jurisdiction in cases of a kind which it is currently willing to hear. A provision taken from the Kearns bill is included to expedite the handling of cases by the Board.

CONSTRUCTION INDUSTRY

The Senate would not insist upon the authorization of prehire contracts. The House version would also be dropped. Therefore, the present law would not be changed.

ECONOMIC STRIKES

The proposal follows the Goldwater bill and the administration's recommendations, except that economic strikers would not be permitted to vote after 1 year.

SERVICE ASSISTANTS IN COMMUNICATIONS INDUSTRY

The Senate would yield and drop this provision.

VACANCY IN OFFICE OF GENERAL COUNSEL

The House and Senate bills were identical. The provision is retained.

SECONDARY BOYCOTTS AND HOT CARGO

The proposal completely accepts the basic House position. Specifically, the proposal would:

1. Prohibit secondary boycotts by employees covered by the present law.
2. Prohibit secondary boycotts by employees subject to the Railway Labor Act.
3. Prohibit secondary boycotts by agricultural employees and employees of school districts.
4. Prohibit secondary boycotts by supervisory employees.
5. Prohibit threats or coercion of employers.
6. The hot cargo provision outlaw, with certain exceptions, all express or implied agreements between an employer and a labor organization by which the employer agrees not to do business with any other person. The proposed secondary boycott provisions would forbid any strike or concerted refusal to work on goods where the object is obtaining an unlawful hot cargo agreement.

The proposal follows the language of the House bill. The changes are the addition of provisos clarifying the following points:

1. The secondary boycott amendments are not to be construed to prohibit primary strikes and picketing permitted by existing law.
2. There is to be no prohibition on truthful appeals to consumers not to patronize an establishment, or not to buy goods, because the manufacturer is involved in a labor dispute.

3. The House bill invalidates the restrictions upon subcontracting which were indispensable to ridding the industry of sweatshops. Representatives LANDRUM and GRIFFIN stated that they had no such intention. An express proviso excepts these agreements.

4. The proviso also excepts from the hot cargo clause and section 8(b)(4) agreements relating to contractors on the same construction project. This change in the present law, which corrects an inequity against labor, was recommended by President Eisenhower.

5. The hot cargo and secondary boycott sections should not apply when an employer, who is engaged in a labor dispute, arranges to have another employer perform the work of men who are on strike for the benefit of the employer engaged in the labor dispute. This provision conforms to current legal interpretations. It too was recommended by President Eisenhower.

6. The hot cargo and secondary boycott provisions should not apply when the two employers are under the same ownership and control. This is the effect of the final clause of the proviso. The exception applies only when there is 95 percent common ownership and control.

ORGANIZATIONAL PICKETING

The Senate bill would forbid recognition or organizational picketing under two conditions: (i) When the employer has a contract with another bona fide union which is a bar to an election; and (ii) for 9 months after an election. The House bill extended the 9 months to 12 and added a third and fourth prohibition; (iii) To prohibit all organizational picketing unless the union could prove that it had the support of 30 percent of the employees; and (iv) to prohibit organizational picketing after 30 days unless the union had filed a petition for an election.

The proposal accepts points (i) and (ii) of the House bill. It omits point (iii). It accepts point (iv) of the House bill except that the picketing would be permitted to continue without a petition if it appealed only to the employees to join the union or the public not to patronize the nonunion establishment without causing truckers or the employees of other employers to refuse to cross the picket line.

On organizational picketing then, we once again accept the House version except for two propositions which are fair and reasonable:

1. A union may use pickets in an effort to organize until there is an election in which the NLRB can find out the employees wishes.

2. Nothing should be done to stop picketing, in the absence of a contract or an election, which has only the effect of notifying the public of nonunion conditions and asking the employees to join the union.

The Senate bill provided that the restrictions upon organizational picketing should not apply when the Board or court found that the employer was guilty of unfair labor practices. Any other view would encourage "sweetheart contracts" and paper locals.

The compromise proposal fully accepts the view that the Congress should deal with the no man's land, secondary boycotts, and hot cargo agreements, and organizational picketing in this legislation. It deals firmly with every one of these subjects.

The proposal embodies the language of the House amendments upon each of these subjects. Several qualifications have been made. None of them deal with corruption or abuse of power. Each is absolutely essential to the welfare of working people.

First. The no man's land is abolished by allowing the States to deal with cases over which the NLRB declines to exercise jurisdiction. The provision is qualified only to the extent that the NLRB may not decline jurisdiction over the kinds of cases which it is hearing today. This is necessary to prevent the NLRB from denying thousands of workers protection of the rights to organ-

ize and bargain collectively. It is necessary to keep the NLRB from denying thousands of employers and employees access to the machinery for holding elections which is available today. A provision has been added which would speed up the handling of NLRB cases.

Second. Hot cargo agreements and secondary boycotts would be forbidden with only these reservations:

1. Restrictions upon subcontracting which are absolutely essential to stabilizing wages in the garment industry are not forbidden.

2. Workers on construction jobs are granted the same right to picket, and they are subjected to the same restrictions as other workers.

3. The traditional right of workers to handle struck goods is preserved.

4. Workers would not be denied the traditional right to ask the public not to patronize one who sells nonunion goods or goods of a manufacturer engaged in a labor dispute.

5. It would be made plain that the prohibition upon secondary does not limit the right to engage in a primary strike and picketing.

Third. Organizational picketing is closely restricted with three qualifications which are fair and reasonable:

1. A union may use pickets in an effort to organize until there is an election in which the NLRB can determine the employees' wishes. But a union which is stopping truck deliveries or other employees would not be allowed to avoid an election.

2. Picketing, in the absence of a contract or an election, which has only the effect of notifying the public of nonunion conditions, and asking the employees to join the union would not be banned.

3. A union would be allowed to picket an employer who has committed unfair labor practices. This exception respects the equities in a picketing situation and protects workers against unfair employer tactics.

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. CASE of South Dakota. I should like to submit the unanimous-consent request which I previously described.

Mr. DOUGLAS. Mr. President, I object.

The PRESIDING OFFICER. There is objection to the unanimous-consent request.

Mr. MANSFIELD. I want to move to table.

Mr. MORSE. Mr. President, a parliamentary inquiry. What is now pending before the Senate?

The PRESIDING OFFICER. The pending question is on agreeing to the first committee amendment to H.R. 1.

Mr. MORSE. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The senior Senator from Wisconsin has the floor at this time.

Mr. MORSE. May I ask the Senator from Wisconsin if he will yield to me for not more than 1 minute so that I may address a comment to the Senator from Arkansas?

Mr. WILEY. I yield, provided I do not lose the floor.

Mr. MORSE. I did not want the Senator from Arkansas to leave the floor tonight under the impression I think he might have gained from what the Senator from Illinois [Mr. DIRKSEN] said; namely, that the first six titles of the Landrum-Griffin bill have been approved by the conference.

There are many phases of the Landrum-Griffin bill which are contained in

the first six titles which have been approved by the conference, but there are also some significant differences.

Mr. McCLELLAN. It was my understanding that the conferees had agreed. They had worked it out for the first six titles. I did not say they accepted everything in the Landrum-Griffin bill, but there has been agreement, a meeting of the minds on the part of the conferees, on all issues in the first six titles.

Mr. MORSE. Yes. I am glad the Senator said that, because the colloquy left me with the impression that he thought the first six titles agreed to by the conferees consisted of the provisions in the Landrum-Griffin bill.

Mr. McCLELLAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORT OF A COMMITTEE

The following additional report of a committee was submitted:

Mr. GRUENING, from the Committee on Government Operations, to which was referred the bill (S. 155) to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to libraries which are tax supported or publicly owned and operated, reported it favorably, with amendments, and submitted a report (No. 836) thereon.

ADDITIONAL BILL INTRODUCED

Mr. FREAR (for himself, Mr. WILLIAMS of Delaware, Mr. BUTLER, and Mr. BEALL), by unanimous consent, introduced a bill (S. 2617) to amend section 13 of the Fair Labor Standards Act of 1938, as amended, to provide an exemption from the minimum wages, maximum hours, and child labor provisions of such act with respect to homeworkers engaged in the making of natural holly, pine, cedar, or other evergreen wreaths, which was read twice by its title and referred to the Committee on Labor and Public Welfare.

(See the remarks of Mr. FREAR when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF FAIR LABOR STANDARDS ACT, RELATING TO HOMEWORKERS ENGAGED IN MAKING EVERGREEN WREATHS

Mr. FREAR. Mr. President, on behalf of myself, my colleague, the senior Senator from Delaware [Mr. WILLIAMS], the senior Senator from Maryland [Mr. BUTLER], and the junior Senator from Maryland [Mr. BEALL] I introduce, for appropriate reference, a bill to amend section 13 of the Fair Labor Standards Act of 1938.

This bill is designed simply to exempt homeworkers engaged in the making of

natural holly wreaths from the provisions of the Fair Labor Standards Act.

Mr. President, this proposed legislation would probably affect less than 1,000 farm families in Delaware and Maryland, and a few in the New England States, who spend winter months making wreaths from wild growing holly.

Briefly the usual arrangement is somewhat as follows: The dealers supply farmers with artificial berries. The farmers fashion the wreaths from the artificial berries and natural holly which are then collected by dealers in time for distribution at the holiday season. The whole affair is, for all practical purposes, a wholesome family project which one would like to think would be encouraged rather than limited or prohibited.

But, Mr. President, the farm families who have for years depended on this activity to supplement income during the slack winter months, usually for extra funds for Christmas, have been told that such activities are within the meaning of the Fair Labor Standards Act and as such are subject to the minimum wage laws, detailed recordkeeping, child labor provisions, and so forth. Unfortunately, these requirements have practically destroyed this very small business venture in many areas.

Mr. President, I am by no means attacking the Fair Labor Standards Act which is a progressive and, when appropriately applied, a needed statute.

However, in this instance it seems that the Government has simply "progressed" the farmers right out of the holly-wreath business. Therefore, Mr. President, I hope Congress will enact this measure and thereby enable these families to again supplement their modest incomes in this small way.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2617) to amend section 13 of the Fair Labor Standards Act of 1938, as amended, to provide an exemption from the minimum wages, maximum hours, and child labor provisions of such act with respect to homeworkers engaged in the making of natural holly, pine, cedar, or other evergreen wreaths, introduced by Mr. FREAR (for himself, and Senators WILLIAMS of Delaware, BUTLER, and BEALL), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

RESOLUTIONS

The following resolutions were submitted:

By Mr. DIRKSEN:

S. Res. 180. Resolution giving certain instructions to the Senate conferees on the Labor-Management Reporting and Disclosure Act of 1959; ordered to lie over under the rule.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

By Mr. KENNEDY (for himself, Mr. McNAMARA, Mr. MORSE, and Mr. RANDOLPH):

S. Res. 181. Resolution giving certain instructions to the Senate conferees on the Labor-Management Reporting and Disclosure Act of 1959; ordered to lie over under the rule.

(See the above resolution printed in full when submitted by Mr. KENNEDY, which appears under a separate heading.)

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—AMENDMENTS

Mr. COOPER submitted amendments, intended to be proposed by him, to the bill (S. 1748) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, which were ordered to lie on the table and to be printed.

INTERNATIONAL CONFERENCES TO STRENGTHEN RULE OF LAW AMONG NATIONS—ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of August 24, 1959, the name of Mr. GRUENING was added as an additional cosponsor of the concurrent resolution (S. Con. Res. 74) favoring a plan to hold international conferences in order to strengthen the rule of law among nations, submitted by Mr. JAVITS (for himself and other Senators) on August 24, 1959.

COMMENDATION OF NATIONAL JAYCEE COMMUNITY DEVELOPMENT PROGRAM—ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of August 24, 1959, the names of Senators CHURCH, FULBRIGHT, AIKEN, CAPEHART, BRIDGES, HICKENLOOPER, BEALL, PROUTY, SYMINGTON, DWORSHAK, BUTLER, HART, RANDOLPH, SPARKMAN, COOPER, JORDAN, MOSS, and MORSE were added as additional cosponsors of the resolution (S. Res. 173) commending the National Jaycee community development program, submitted by Mr. HARTKE on August 24, 1959.

DIVERSION OF WATER FROM LAKE MICHIGAN, AT CHICAGO

The Senate resumed the consideration of the bill (H.R. 1) to require a study to be conducted of the effect of increasing the diversion of water from Lake Michigan into the Illinois Waterway for navigation, and for other purposes.

Mr. WILEY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILEY. Mr. President, I think the motion that is most relevant and most pertinent would be to adjourn, but I rather think that if Senators continue to leave the floor, we will have a quorum call, and then we will see that the motion will not carry.

However, a few moments ago when I yielded, or, rather, it was a couple of hours ago, 5:30, 6:30, 7:30, I yielded with the idea that in a matter of minutes I could get the floor again. That was the purpose.

I have been very much disappointed, because I am frank to say that in my

humble opinion there is only a handful of Senators who are interested in the vital issue here, only a handful. I have asked Senator after Senator if he has read my brief. My brief is very short, because in it I have quoted the Canadian memorandum.

Let us get the facts straight. My good friend, the Senator from South Dakota [Mr. CASE], has spoken once or twice or three times and made very illuminating remarks on this issue, and yet there were very few Senators on the floor of the Senate to hear him.

I realize we are all busy but, Mr. President, we violated every rule of procedure, as was said here. In what respect? When we have got matters that may involve severing our friendship with our neighbor, we sit in committees. We do not come up to the floor. We do not come up here to consider the matters of most significance.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. WILEY. Yes, I yield.

Mr. McCLELLAN. Am I correct, as I have been advised, that actually this diversion amounts to only about a half an inch of water level? Is that correct?

Mr. WILEY. No; I do not think it is, but I am not going to discuss that tonight.

Mr. McCLELLAN. I am one of those who would really like some information about it, since the Senator mentions now that it might cause unhappiness on the part of our neighbor if this bill should be enacted. I want to ascertain if it is a fact, as has been reported to me, I thought in good faith, that actually the diversion of water would lower the lake level less than an inch.

Mr. CASE of South Dakota. Would the Senator yield to me?

Mr. McCLELLAN. I should like to know if there is any information on that subject.

Mr. WILEY. I will let the Senator from South Dakota answer that, because I am going to speak on the legal phase, but if Senators keep leaving, there will not be anyone to listen.

Mr. McCLELLAN. Mr. President, I withdraw the question.

Mr. WILEY. Go ahead.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. CASE of South Dakota. I think the Senator from Arkansas is correct in his impression. In fact, the effect upon Lake Michigan at the extremity would be probably not to exceed a quarter of an inch, and the variation in the lake level has been greater than that, of course, over a season.

On that basis, as far as the public aspects of it are concerned, I voted to report the bill, but I did say at the time that I thought the Public Works Committee was not the proper committee to consider another aspect that was raised by a specific communication from the Ambassador from Canada to our State Department, which carried this paragraph:

The Government of Canada considers that many agreements and understandings between the United States of America and Canada would be broken if unilateral action

were taken to divert additional water from the Great Lakes watershed at Chicago and directs attention to provisions of two treaties in particular.

Then it goes on to recite those treaties.

In view of the importance of good relations between Canada and the United States, I personally feel that a communication from the Ambassador from Canada to the State Department specifically setting forth the treaties which he thinks would be broken ought not to be ignored. Not only did this note come on the 9th of April, but again on August 20, this year, after our committee had acted, the Canadian Ambassador again directed a note to our State Department, calling attention to the communication of April 9, and said that he explicitly reiterated what was said before.

I felt that if foreign relations were involved in this matter, the Committee on Public Works should not pass upon that, any more than I think that the Committee on Public Works should make the final recommendation, let us say, with respect to the revenue features of a highway bill. The Committee on Finance would feel that it should have some opportunity to pass upon that.

So I have said all along during this debate, and I said it during the consideration by the Public Works Committee, that I would support a move to refer the bill to the Foreign Relations Committee so that it might consider that aspect of the matter.

I voted against tabling the bill. I feel it should be considered.

The unanimous-consent request which I suggested I might make, which I was told could not be made at that time, and which I expect to embody in a motion shortly, will be to refer H.R. 1 to the Committee on Foreign Relations, so that it might consider the international aspects of it, and not feel that the Public Works Committee was trying to answer in that field. In order that the bill might not be summarily dismissed, I would incorporate in my motion a direction that a report should be made back to the Senate by the 15th of January 1960.

I think that would give an opportunity for the Foreign Relations Committee to meet its responsibilities. It would insure that the bill would have further consideration, that whatever report should come from that committee on that aspect, it would facilitate completing the work in this session at this time.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. McCLELLAN. I wish to thank the Senator. I asked my question in all seriousness. I know the Senator is interested in the proposed legislation, and understands it well. Some of us do not, and I asked the question to get information.

I certainly, at this time at least, would not disagree with the suggestion that possibly the Foreign Relations Committee should have an opportunity to consider the matter. I am not saying yes or no, but what struck me as having some significance is that if the water level in

the Great Lakes is going to be lowered only a quarter of an inch, that is very little water to be making a fuss about, and for neighbors like Canada and the United States to have a falling out about.

Mr. HART. I wonder if the Senator from Wisconsin would yield?

Mr. WILEY. I will yield, but if the Senator will just pardon me, I have the figures set up to show just what the diversion means in gallonage.

The lake is down 7 feet now. It is about 2 feet lower than it has ever been, and they are now taking not 1,000 feet, they are taking 3,300 feet, and they want another thousand feet, which would make it 4,300 feet.

What difference that would be in inches I do not know. Some say a half inch. The Senator from South Dakota says a quarter of an inch, and there is some evidence that it would be an inch. But be that as it may, that is not the point I want to argue.

Mr. McCLELLAN. I do not want to interfere with what the Senator wishes to argue; I merely made a request to get information.

Mr. HART. I appreciate the Senator's yielding, because I recognize the request as to that one aspect, as the Senator from Arkansas indicated, that if it was only a quarter of an inch, why, you wash that away in a rain any old time, and it is for that reason that I presume to intrude here.

I am advised that the diversion which is proposed for the 12-month period would reach 1,010 billion gallons of water. This is the information given me by a member of the staff of the senior Senator from Michigan [Mr. McNAMARA], who has participated in the study. When we convert the quarter inch into billions and billions of gallons of water, I am sure Senators will have a better appreciation of our concern, and be more sympathetic with the very grave expression from our Dominion neighbor.

Mr. McCLELLAN. There is one other question which I should like to have answered. This may be the only opportunity I shall have to hear the debate, and I wanted to obtain some information.

Is this quarter of an inch of water—if that is what it is—or so many million gallons, whatever the figure is, of additional water, essential and necessary to make an adequate test, or to make the adequate experiment which is desired? Is it absolutely indispensable to such a test?

Mr. WILEY. In my opinion the answer is no; but the proponents contend that it is. We have the testimony of the health authorities. Does the Senator from Michigan have that testimony before him?

Mr. HART. Yes.

Mr. WILEY. Will he read it?

Mr. HART. It is my understanding, if I may respond, that the four Federal agencies which have a concern in this area have advised the Congress that the diversion of these billions and billions of gallons of water is necessary. I think that is a fair summary.

Mr. McCLELLAN. I have read the reports from the several agencies. Who says that that much more water is necessary?

Mr. HART. The man standing on the Senator's right, the senior Senator from Illinois [Mr. DOUGLAS].

Mr. McCLELLAN. I shall be glad to have his reasons for needing the water.

Mr. DOUGLAS. Mr. President, I am not a hydraulic engineer or a sanitary engineer—

Mr. WILEY. Mr. President, this is another diversion. I wished to go into the legal phase, and argue the facts tomorrow.

Mr. DOUGLAS. I know that lawyers have very little concern for facts, but I was asked a question.

Mr. WILEY. Do professors know any facts?

Mr. HART. Mr. President, if I may ask the Senator from Wisconsin to yield a moment further, we are grateful to the Senator from Arkansas for giving us this opportunity, which all sides have been seeking in the days past. I express, on behalf of all of us who are concerned—not only ourselves, but the Dominion of Canada—our appreciation for this curiosity.

I should like to add one further fact, subject to correction by those who are far better informed in this area than I, namely, that the diversion proposed in the bill would reduce by 2 million tons the freight movement through the lake.

Mr. McCLELLAN. How could a reduction in level of a quarter of an inch, or half an inch, reduce shipping to that extent?

Mr. HART. It would be fine if we had a hydraulic engineer here who could graphically portray the situation. However, the situation involves a great deal of shipping and a great deal of water.

Mr. PROXMIER. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. PROXMIER. I should like to give my own understanding as to why that is true. As I understand, lake steamers are loaded to within a fraction of an inch of the maximum clearance, in order that their clearance may be just as small as possible. That is because it is most efficient to have the fullest possible load.

It is my understanding that for every inch the level is lowered, 100 tons of cargo must be unloaded. As the Senator knows, a great amount of traffic is handled on the Great Lakes. That is why there would be a 2-million-ton loss, which has been testified to by outstanding experts. That testimony is concurred in by the impartial and qualified experts who have studied this question.

Mr. McCLELLAN. I cannot understand why a fraction of an inch of water should be so significant.

Mr. CASE of South Dakota. Mr. President, who has the floor?

Mr. McCLELLAN. I do not.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. WILEY] has the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator from Wis-

consin yield to me for the purpose of making a motion?

Mr. WILEY. I yield.

Mr. CASE of South Dakota. Mr. President, I move that the pending bill, H.R. 1, be referred to the Committee on Foreign Relations with instructions to report it back with recommendations not later than the 15th of January next.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

Mr. WILEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Engle	Morse
Anderson	Ervin	Moss
Bible	Frear	Proxmire
Butler	Green	Robertson
Byrd, W. Va.	Hart	Scott
Cannon	Holland	Smith
Carroll	Johnston, S.C.	Sparkman
Case, N.J.	Jordan	Stennis
Case, S. Dak.	Kuchel	Symington
Church	Langer	Thurmond
Cooper	Lausche	Wiley
Curtis	Long, Hawaii	Williams, Del.
Douglas	McClellan	Yarborough
Ellender	Mansfield	Young, Ohio

The PRESIDING OFFICER (Mr. HART in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ALLOTT, Mr. DWORSHAK, Mr. LONG of Louisiana, Mr. MORTON, Mr. NEUBERGER, Mr. PROUTY, Mr. RANDOLPH, and Mr. TALMADGE entered the Chamber and answered to their names.

RECESS TO TOMORROW AT 10 O'CLOCK A.M.

Mr. MANSFIELD. Mr. President, I move that the Senate recess until 10 o'clock tomorrow morning.

Mr. WILEY. Just a minute. I object.

Mr. MANSFIELD. I move, Mr. President—

The PRESIDING OFFICER. A motion to recess is not debatable.

The question is on agreeing to the motion of the Senator from Montana.

Mr. WILEY. Mr. President, can we amend the motion?

Mr. CASE of South Dakota. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate recess.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of

the Senator from Montana that the Senate stand in recess until 10 o'clock tomorrow morning. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll and Mr. AIKEN answered in the affirmative.

Mr. AIKEN. Mr. President, is this a motion? Is this a motion to recess?

The PRESIDING OFFICER. Let the Chair restate the question. The question is on agreeing to the motion to recess.

Mr. CARROLL. Until what time?

The PRESIDING OFFICER. To 10 o'clock tomorrow morning, under the order previously entered.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The rollcall has been started and one Senator has voted.

Several Senators called for the regular order.

Mr. CARROLL. Mr. President, what is the regular order? May we have order? We cannot hear the rollcall.

The PRESIDING OFFICER. Permit the Chair to state the question again, but the rollcall has started. The question is on agreeing to the motion made by the Senator from Montana that the Senate stand in recess until 10 o'clock tomorrow morning.

Mr. CARROLL. Mr. President, my parliamentary inquiry was propounded before the rollcall was in progress.

The PRESIDING OFFICER. The Chair must advise the Senator from Colorado that he is mistaken. The roll had been called to the point of having a response from the Senator from Vermont [Mr. AIKEN].

Mr. CARROLL. Did the Senator from Vermont respond before I put the parliamentary inquiry?

The PRESIDING OFFICER. Yes.

The clerk will continue to call the roll.

The call of the roll was resumed and concluded.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator

from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Oklahoma [Mr. MONRONEY] is absent on official business attending the Interparliamentary Union Conference at Warsaw, Poland.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. MURRAY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Utah [Mr. BENNETT], the Senators from New Hampshire [Mr. BRIDGES and Mr. COTTON], the Senator from Connecticut [Mr. BUSH], the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Kansas [Mr. SCHOEPPPEL] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent on official committee business.

The Senator from Indiana [Mr. CAPEHART] is absent on official business.

The Senator from New York [Mr. KEATING] is absent on official business.

The Senator from Kansas [Mr. CARLSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from North Dakota [Mr. YOUNG], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from New York [Mr. JAVITS] are detained on official business.

If present and voting the Senator from New York [Mr. KEATING] would vote "yea."

The result was announced—yeas 55, nays 2, as follows:

YEAS—55		
Alken	Cooper	Jackson
Allott	Curtis	Johnston, S.C.
Anderson	Douglas	Jordan
Bartlett	Dworshak	Kuchel
Bible	Ellender	Langer
Butler	Engle	Lausche
Byrd, W. Va.	Ervin	Long, Hawaii
Cannon	Frear	Long, La.
Carroll	Green	McClellan
Case, N.J.	Hart	McGee
Case, S. Dak.	Hennings	McNamara
Church	Holland	Mansfield

Martin	Randolph	Thurmond
Morse	Robertson	Wiley
Moss	Smith	Williams, Del.
Mundt	Sparkman	Yarborough
Neuberger	Stennis	Young, Ohio
Prouty	Symington	
Proxmire	Talmadge	

NAYS—2

Morton Scott

NOT VOTING—43

Beall	Capehart	Dirksen
Bennett	Carlson	Dodd
Bridges	Chavez	Eastland
Bush	Clark	Fong
Byrd, Va.	Cotton	Fulbright

Goldwater	Johnson, Tex.	O'Mahoney
Gore	Keating	Pastore
Gruening	Kefauver	Russell
Hartke	Kennedy	Saltonstall
Hayden	Kerr	Schoepfel
Hickenlooper	McCarthy	Smathers
Hill	Magnuson	Williams, N.J.
Hruska	Monroney	Young, N. Dak.
Humphrey	Murray	
Javits	Muskie	

So the motion to recess was agreed to; and (at 8 o'clock and 28 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Saturday, August 29, 1959, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 28 (legislative day of August 26), 1959:

EXPORT-IMPORT BANK OF WASHINGTON

James Smith Bush, of Missouri, to be a member of the Board of Directors of the Export-Import Bank of Washington.

U.S. DISTRICT JUDGE

Algernon L. Butler, of North Carolina, to be U.S. district judge for the eastern district of North Carolina.

EXTENSIONS OF REMARKS

Address by Hon. Thomas H. Kuchel, of California, at Ceremony Commemorating the Death of Padre Junipero Serra

EXTENSION OF REMARKS

OF

HON. EUGENE J. McCARTHY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1959

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address delivered by the distinguished senior Senator from California [Mr. KUCHEL] at the ceremony in Statuary Hall, on August 28, commemorating the death of Padre Junipero Serra.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR THOMAS H. KUCHEL AT THE CEREMONY IN STATUARY HALL COMMEMORATING THE DEATH OF PADRE JUNIPERO SERRA, FRIDAY, AUGUST 28, 1959

These services commemorate the life and labors of a Franciscan friar whose intrepid Christian ministrations were spread throughout a great primitive area before the United States came into being. Junipero Serra, Franciscan missionary from Majorca journeyed to the North American continent in 1750, and in the last 1760's went northward to California.

In that northward trek, both he and his courageous, faithful companions sowed in the hearts and minds of men, the seeds of a new civilization under divine spirit. Father Serra brought with him the mission, which meant the spread of religion in these unknown lands; the presidio, which meant the expansion of the political and military control of Spain; and the pueblo, the town, which meant the establishment of orderly civil government. Here was a tripartite development, both secular and spiritual. The hard trails that his weary feet traversed from mission to mission along the El Camino Real continue today to be the royal road along which are strung great cities, great universities, great industries, and great agriculture—human progress in its every latest attainment.

One hundred and seventy-five years ago Father Serra departed this life. From a primitive unsettled land on the Pacific shore to which he came has developed a majestic center of cultural and economic life, rich in all the bounty of nature, our magnificent State of California.

While we honor Junipero Serra for the blessings of civilization he left in California, we shall not forget that his was a spiritual

labor. The missions he built, the agriculture he founded—supported, incidentally, by irrigation systems which excite the admiration of the modern hydraulic engineer—were all means to an end. The sword was there to support the cross and so was the civil authority. But it was the cross which came first. Imbued with divine spirit, charged with an exalted mission, and sustained by an unflinching faith, Father Serra brought to the Indians the civilizing message of Christian teachings. Here was the solid foundation upon which all other building rested. It is well to recall this simple fact in our own day. For we, too, have an exalted mission: To hold high the banner of man's freedom, to protect it from all assaults from the ungodly, and to advance it, by an unflinching faith in the righteousness of our purpose.

The 1960 Republican Presidential Nomination

EXTENSION OF REMARKS

OF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1959

Mr. SCOTT. Mr. President, I should like to call to the attention of the Senate two articles which have appeared recently about Vice President NIXON. One is a long and very thoughtful analysis by Alan L. Otten about the situation with respect to the 1960 Republican presidential nomination. The other article is an interview in the Christian Science Monitor.

I ask unanimous consent to have these two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follow:

[From the Wall Street Journal, Aug. 27, 1959]

NOT 1952—THE TAFT-NIXON, IKE-ROCKEFELLER PARALLELS ARE MUCH LESS VALID THAN OFTEN CLAIMED

(By Alan L. Otten)

WASHINGTON.—After looking long, but not too hard, at the jockeying for the 1960 GOP presidential nomination, some soothsayers are falling back on what is becoming a common political aphorism: "It will be 1952 all over again."

But this theory, while neat in its way, will not stand up under close examination.

Behind the assumption lies the belief that, regardless of the outcome, political events are casting Vice President NIXON in the role of

the late Senator Taft, and New York's Governor Rockefeller in the role of General Eisenhower. Those who expect 1960 to be a repetition of 1952 state their case thusly: Mr. Taft, while commanding the loyalty of much of the GOP, also had the enmity of many party leaders, led by then Governor Thomas E. Dewey, of New York, who apparently now is masterminding the Rockefeller candidacy. The anti-Taft Republicans hitched their hopes to a bright new star with a nonpolitical aura, and put Mr. Eisenhower across by beating hard on the theme "Taft can't win."

Certainly there are strong similarities between the Taft-Eisenhower struggle and the Nixon-Rockefeller battle that's shaping up. Certainly the Rockefeller backers are getting set to try to torpedo the Vice President's White House ambitions with the same sort of "can't win" theme song they effectively used against the Ohio Senator. The differences, however, are equally striking, even if less well understood.

To begin with, Mr. Taft's opposition within the Republican Party was far more extensive than is the party opposition to Mr. Nixon. Or perhaps more accurately, the Vice President's following among GOP regulars is probably greater than that enjoyed by any other Republican, including Mr. Taft, in recent history. It is true, to be sure, that much of the Vice President's support lacks the fervor that characterized the Taft backers of the early 1950's.

In 1951 and 1952, some Republicans looked upon Senator Taft as an old warhorse, respected and even revered, but suspected as a candidate as being too conservative on domestic economic policies, somewhat arbitrary and a little condescending in dealing with people he did not consider his intellectual equals. Moreover, there were those who sincerely questioned Mr. Taft's views on foreign policy as being "too isolationist" and his qualifications to deal with the overriding issues between the United States and Russia.

MATTER OF BACKGROUND

By contrast, Mr. Rockefeller patently lacks the background and experience on which was built another 1952 Eisenhower slogan, "He knows how to deal with the Russians." Mr. Nixon, to be sure, also lacks the Eisenhower reputation as a war hero and standing as a military-diplomatic statesman in world councils. But the Nixon supporters can and do claim his years as understudy to Mr. Eisenhower and the late Secretary of State Dulles have given him a background that no other Republican today can enjoy. Certainly no one has ever seriously questioned the Vice President's internationalist tendencies, which have been evident at least since his years as a freshman Congressman.

To many people in 1952 Senator Taft was identified with what's commonly called the Old Guard wing of his party, even though politically he was more liberal on some issues—housing and health legislation, for example—than Mr. Eisenhower. Here again

by contrast, Mr. Nixon is part of and identified with a very popular President and Republican administration that has widespread support not only among Republican voters but, as well, among Democrats and independents.

Nowhere can the contrasts be more drawn, however, than in the political alignments of 1952 and 1959-60. For one thing, nearly all the former Taft backers are now firmly in the Nixon camp. But so, too, are many groups and individuals who once supported Eisenhower.

Lined up with Mr. Nixon also is much of the former citizens-for-Eisenhower group including its cochairman, former Under Secretary of Commerce Walter Williams. These once-Eisenhower, now Nixon rooters also include such liberal Senators as HUGH SCOTT of Pennsylvania and JOHN SHERMAN COOPER of Kentucky, as well as large numbers of GOP House Members. It is also an interesting fact that the Vice President's three principal staff political aides were either actively for or sympathetic with the Eisenhower candidacy of 7 years ago. These are Mr. Nixon's top assistant, Robert H. Finch; his press secretary, Herbert H. Klein; and Charles K. McWhorter, a special assistant, who was secretary of the National Youth for Eisenhower in 1952.

Moreover, the bulk of Mr. Eisenhower's professional GOP support came from the Nation's 25 Republican Governors. Though there are now only 15 GOP Governors, most of them are lined up solidly with Mr. Nixon. The Vice President's widespread backing among lawmakers in Congress and the Republican Governors illustrates a fact that still is not fully appreciated.

Contrary to widespread impressions, the political "ins" supported Mr. Eisenhower in 1952, while much of the Taft support came from the "outs" who were trying to get "in." There were many exceptions, to be sure, to that generality. But with fewer exceptions now, the "ins" are backing the Vice President, while the "outs" are lining up with the New York Governor in hopes of getting "in." Most any professional politician would tell you that this, indeed, is not the strongest political position.

Moreover, it would be difficult to estimate the number of Republicans throughout the country who are deep in Mr. Nixon's debt. He has spoken and campaigned for Republican candidates in nearly every State over the last 7 years. He has done favors in Washington for hundreds of GOP officials. While Senator Taft was primarily the philosophical leader of his party, functioning mainly through the Senate and only occasionally with grassroots contacts outside Ohio, Mr. Nixon has contacts and debtors everywhere.

And while Mr. Nixon seems to have a kind of party support that Mr. Taft never knew, Mr. Rockefeller would appear to have considerably less backing than did General Eisenhower. Whereas Mr. Rockefeller is largely unknown beyond the borders of his State, every American was familiar with the beaming smile of the World War II commander.

QUESTION OF THE POLLS

The public opinion polls, which were used with such devastating effect against Senator Taft before the 1952 convention, do not thus far seem likely to provide Mr. Rockefeller with similar ammunition. Mr. Nixon has been doing much better in the polls than did the late Senator, both with regular Republicans and independents. And while Mr. Eisenhower started pulling away in the polls once he entered the race, the New York Governor actually slumped after his big post-election showing. Mr. Nixon would have to slump very hard indeed for the opinion polls to give the Rockefeller camp much support for a "Nixon can't win" campaign.

The Vice President, too, is in many ways a more astute political performer than was the Ohio Senator. Mr. Taft had a brilliant mind, but comparatively little finesse with people—and it was a rare moment that he stirred an audience. His speaking style was dry and pedantic.

Mr. Nixon, on the other hand, is almost flawless mechanically: There is much of the actor in him, not that he is insincere, but rather that he has cultivated a dynamic stage presence. He is at ease, he is sure, he is dramatic, and his most recent doings in the international spotlight would seem to attest to these qualities.

The Vice President's press relations are good. He works assiduously at keeping newsmen informed and is deliberately patient under pertinent questioning. Mr. Taft's relations with the press, however, were spotty and unsatisfactory.

Mr. Nixon rarely runs away from hot issues but usually handles touchy subjects with a diplomacy the late Senator could not match. It is difficult, for instance, to imagine the Vice President doing what Mr. Taft did during the 1952 South Dakota primary when he was asked his views on the price of gold. This was a vital subject in the gold-mining area of the State, but Mr. Taft stoutly proclaimed the current price too high. Later, an aid remonstrated with him, thought he had persuaded the Senator he had spoken too harshly, and arranged for the question to be put to the Senator again the following day.

"I answered that last night," Mr. Taft snapped. "The price is too high."

In 1952, it must also be remembered, other candidates were in the wings—Governor Warren of California, perennial hopeful Harold Stassen, favorite sons—who helped deadlock the convention and permit the Eisenhower maneuvering. By all present indications, if Mr. Rockefeller challenges in 1960—and there seems little doubt that he will—it will be a two-man race, with no room to use favorite sons and stalking horses to halt the big first-ballot Nixon strength.

ART OF COMMAND

On the other side, there are several areas in which Mr. Rockefeller does not come up to the 1952 Eisenhower as a candidate. The New York Governor's newness on the political scene is not counterweighted, as it was in the general case, with a long period as a popular leader. His brief tenure in Albany has not provided Mr. Rockefeller with the time to demonstrate his ability fully. His move to raise State taxes immediately after taking office did him little good, politically, as he himself admitted. And while it indicated his willingness to command, the uproar the tax boost caused gave evidence the measure did not have wide understanding or support. The art of command is not quite the same as the art of leadership.

It should not be overlooked, also, that the Rockefeller name in many sections of the country does not arouse friendly feelings. The 1952 Eisenhower was a self-made man up from the Kansas cornfields. Governor Rockefeller has a less bucolic background.

After all the evidence is in, a man would have to be downright imprudent to guess who will carry the GOP standard next year. But that same evidence makes very clear how inaccurate is the aphorism: "It will be 1952 all over again."

It won't be. It will be 1960, for the reason that Nixon is not Taft and Rockefeller is not Eisenhower.

[From the Christian Science Monitor, Aug. 26, 1959]

ELEVATING THE VICE PRESIDENT—A CAPITAL INTERVIEW WITH SENATOR HUGH SCOTT

(By Courtney Sheldon)

WASHINGTON.—Republican Senator HUGH SCOTT, of Pennsylvania, a veteran of eight

terms in the House, national chairman of the Republican Party 1948-49, an early (1949) supporter of an Eisenhower candidacy in 1952, and today a supporter of Vice President Nixon for the GOP presidential nomination:

Sees no substantial difference between Vice President Nixon and Governor Rockefeller on foreign policy, but regards Mr. Nixon as the best qualified candidate in either party in the foreign-affairs field.

Anticipates Mr. Rockefeller would become the GOP presidential candidate and leader of his party after he has served another term as Governor and after a Nixon administration nationally.

Question: "Senator Scott, why do you feel Vice President Nixon is the best qualified man for the Republican nomination for the Presidency?"

Answer: "Well, I would say on the basis of experience and temperament, personality. Undoubtedly he is the best qualified candidate in either party in the foreign affairs field, one who has been singularly blessed with the opportunity to meet chiefs of state and of government. His experience and wisdom in handling difficult problems have been demonstrated by the Moscow trip, the Latin-American trip, by the way he conducted himself at the time of the two serious illnesses of the President, and by the degree to which his advice is valued by people experienced themselves in government; for example, in the National Security Council."

Question: "How do you feel Mr. Nixon compares as a votegetter with Mr. Rockefeller?"

Answer: "I think both have demonstrated they are excellent votegetters. They are both attractive personalities who grow in attraction as you have the chance to know more about them. A half hour before this interview I was talking with Governor Rockefeller. He is a most attractive man. I think if he is reelected Governor of New York—and I expect he would be—he would become the next candidate of the Republican Party for the Presidency, and I expect, too, that he would probably become the party's leader for a decade or more."

"There is a great place in the sun for Governor Rockefeller and I admire him without reserve. But the situation presently indicates that Republicans would be well advised to close ranks, as there is every indication they are doing, and really go to work along with independents and Democrats to elect a competent, experienced and wise and moderate man in Dick Nixon as their next President."

Question: "Then you don't feel Governor Rockefeller will formally become a candidate for the nomination?"

Answer: "It is my judgment that he probably will not in any real all-out down-the-line campaign. I think surveys among Republican leaders indicate that Vice President Nixon will be nominated on the first ballot, perhaps by acclamation. I hope that when they come around to talking about vice presidential candidates they will give very serious thought to Governor Rockefeller. I think it would be a dream ticket."

Question: "Since you were one of the original Eisenhower supporters, do you have indications from other early Eisenhower men as to their preference now?"

Answer: "Well, I have talked to many early supporters of President Eisenhower and to many Democrats-for-Eisenhower and the greater part of them favor Vice President Nixon as the Republican candidate. There are some who favor Governor Rockefeller and I think rather notably in one or two of the Southern States."

Question: "Would you say there is any substantial difference between Mr. Nixon and Mr. Rockefeller on international policy?"

Answer: "I can't see where such an area of difference would arise. Governor Rockefeller has some edge in South America by virtue of his experience in those countries, but the policy down there would be the same in either event, a good-neighbor policy of nonintervention and of friendly and benevolent cooperation. In the rest of the world, Nixon's experience counts more heavily. The policy of both of these gentlemen is the policy of Dwight Eisenhower."

Question: "What about domestic policy?"

Answer: "In domestic policy I would be inclined to say that the Nixon policy would be, in the future as in the past, adherence to the general Eisenhower program, a moderate, middle-of-the-road policy. Vice President Nixon has shown his convictions on the tough issues, such as civil rights, and in my judgment he has been right and proper in

his attitude there. He has, if anything, shown an inclination to go a little beyond the Eisenhower program in some areas, such as housing.

"I think that Governor Rockefeller's record indicates he is perhaps somewhat more on the liberal side in meeting the necessities which the Governor of New York has to meet in the political world, but he is no wild-eyed radical by any means."

Question: "If there is a fight between the two for the nomination do you feel there will be any outstanding issues, or will it be over who is the best leader, over personality questions?"

Answer: "There are some differences on issues, but none that occur to me as the kind which appear in presidential campaigns. If it came to a choice between the two, it would be based on personality, experience, and ability to handle the job."

Question: "Any particular reason why you have made known your preference so early?"

Answer: "The main reason is that I don't want anything. I am sure that when I campaigned so vigorously for General Eisenhower there were many people in the entourage who may have harbored doubts on that score and wondered why I worked so hard and my wife worked so hard. I just wanted to keep on being a Member of the House of Representatives. The same thing is true now."

"I am extremely happy; in fact, I am in something of a glow about being a Senator of the United States. It is something I have wanted since I was 13 years old. Why should I want anything else? Not having anything in my mind except the desire to get the strongest candidate for the Republican Party and the best qualified man for the Presidency of the United States, I can afford to come out early."

SENATE

SATURDAY, AUGUST 29, 1959

(Legislative day of Wednesday, August 26, 1959)

The Senate met at 10 o'clock a.m., on the expiration of the recess.

Dr. Lawrence D. Folkemer, pastor, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

In faith, we lift our hearts unto Thee, O God, beseeching Thee for a mountainous faith to remove obstacles of prejudice, pride, and pettiness.

With courage, we call upon Thee for still greater courage to stand for the right course when the lesser course seems safer.

In hope, we look to Thee as our continuing refuge and strength, our peace and our deliverance.

Grant, O Lord, that we may never become too big or vain to pray; then cleanse our prayers of mere politeness and presumption. Help us to do Thy will, rather than to seek divine support for our own bidding.

In these misty days of uncertainty and confusion, wilt Thou guide the conversations and plans of our President and Congress, that America may continue as a lighthouse of freedom, godliness, and peace. Unite us, sustain us; and, above all, use us as Thou wilt. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 28, 1959, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at this time there may be the usual morning hour, for the introduction of bills and the transaction of other routine business, subject to a 3-minute limitation on statements.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF PUBLIC LAW 85-880—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8374) to amend Public Law 85-880, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8374) to amend Public Law 85-880, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the first sentence of section 1 of the Act of September 2, 1958 (Public Law 85-880; 72 Stat. 1603) is hereby amended as follows:

"(a) After the phrase, 'World Science—Pan Pacific Exposition', insert 'now known as Century 21 Exposition'.

"(b) Strike out '1961' and insert in lieu thereof '1961 and 1962'."

"Sec. 2. That part of clause (3) of section 3 of said Act before the proviso is hereby amended to read as follows:

"(3) erect such buildings and other structures as may be appropriate for the United States participation in the exposition on land (six and one-half acres or more and including land necessary for ingress and egress) conveyed to the United States in fee simple and free and clear of liens and encumbrances, in consideration of the participation by the United States in the exposition, and without other consideration. In the design and construction of such buildings and other structures consideration, including consultation with the General Services Administration, shall be given to their utility for governmental purposes and needs after the close of the exposition."

"Sec. 3. Clause (5) of section 3 of said Act is hereby amended to read as follows:

"(5) incur such other expenses as may be necessary to carry out the purposes of this Act, including but not limited to expenditures involved in the selection, purchase, rental, construction, and other ac-

quisition of exhibits and materials and equipment therefor and the actual display thereof, and including but not limited to related expenditures for costs of transportation, insurance, installation, safekeeping, maintenance and operation, rental of space and dismantling."

"Sec. 4. Section 3 of said Act is further amended by striking out the period at the end of clause (6) and inserting a semicolon and the word 'and', and by adding at the end of such section a new clause (7) as follows:

"(7) procure services as authorized by the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed \$50 per diem."

"Sec. 5. Said Act is amended by striking out section 7 and inserting in lieu thereof new sections 7 and 8 as follows:

"Sec. 7. There is hereby authorized to be appropriated, to remain available until expended, not to exceed \$12,500,000 to carry out the provisions of this Act, including participation in the exposition.

"Sec. 8. The functions authorized in this Act may be performed without regard to the prohibitions and limitations of the following laws: section 3648, Revised Statutes, as amended (31 U.S.C. 529); section 3735, Revised Statutes (41 U.S.C. 13)'"

And the Senate agree to the same.

J. W. FULBRIGHT,
MIKE MANSFIELD,
B. B. HICKENLOOPER,

Managers on the Part of the Senate.

OVERTON BROOKS,
GEORGE P. MILLER,
OLIN E. TEAGUE,
JAMES G. FULTON,
GORDON L. McDONOUGH,

Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

HOOR OF MEETING ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it take a recess until Monday morning, at 11 o'clock.

Mr. WILLIAMS of Delaware. I object. The VICE PRESIDENT. Objection is heard.

JOINT RESOLUTION OF WISCONSIN LEGISLATURE

The VICE PRESIDENT laid before the Senate a joint resolution of the Legisla-